S7395-1

Benchmark 1984

Annual Report Of The South Dakota Unified Judicial System

Compiled and Published by
The South Dakota
State Court Administrator's Office
Pierre, South Dakota
January, 1985

South Dakota Unified Judicial System

MARK G. GEDDES
Administrator

STATE COURT ADMINISTRATOR'S OFFICE
STATE CAPITOL
PIERRE, SD 57501
(605) 773-3474

The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

As part of our continuing endeavor to provide the people and the government agencies of the State of South Dakota with information relating to the Unified Judicial System and its programs, I respectfully submit herewith our annual report.

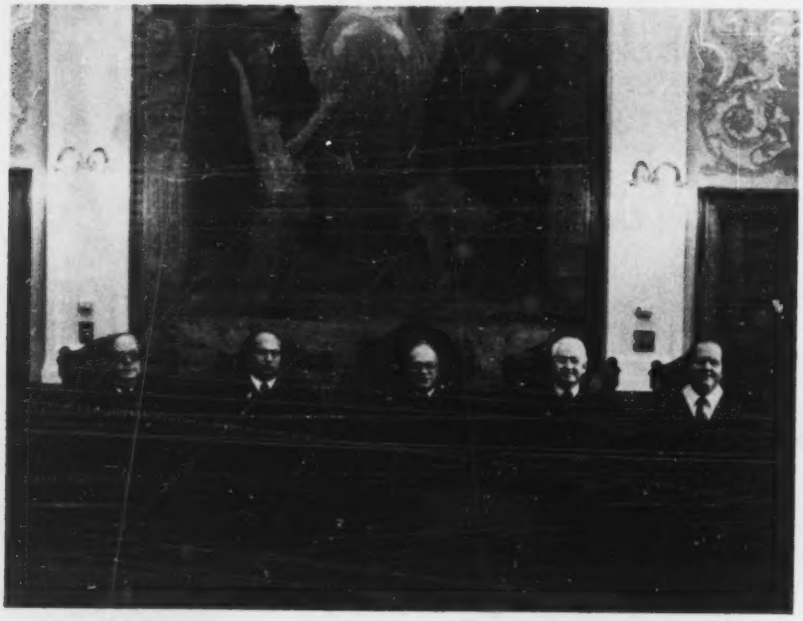
The report covers general judicial system activities for calendar year 1984, with statistical information for fiscal year 1984. In addition to the usual descriptive material on the component offices of the court system, statistical data have been added this year on court-appointed attorney costs, traffic fine receipts by county, and travel by circuit personnel. Also, some special attention has been given to DUI prosecutions in the state.

We offer a special thanks to the clerks of court and the court services officers in the system, who provide the data compiled herein, and our own staff members who are responsible for production.

Respectfully submitted,

Mark G. Geddes
State Court Administrator

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT



Hon. Robert E. MORGAN	Hon. Roger L. WOLLMAN	Hon. Jon FOSHEIM	Hon. Francis G. DUNN	Hon. Frank E. HENDERSON
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
Fourth District	Fifth District	Third District	Second District	First District

Table of Contents

Title	Page
The South Dakota Unified Judicial System: 1984	1
South Dakota Courts, Judges and Jurisdictions	3
The Court Structure	4
Supreme Court	4
Membership and Appointment	4
Jurisdiction	5
Map 1. Supreme Court Appointment Districts	5
Table 1. Supreme Court Caseload Compared by Fiscal Year	7
Chart 1. Supreme Court Caseload Comparison	8
Table 2. Rate of Population Change	9
Map 2. Population Change	10
Circuit Court	11
Map 3. Judicial Circuits and Counties	11
Magistrate Courts	12
Judicial Conference	13
Bench Personnel by Judicial Circuit	14
Table 3. Organization Chart of the UJS	15
Judicial Qualifications Commission	16
State Judicial Staff	16
Justices' Law Clerks	16
Clerk of the Supreme Court	16
Chief of Legal Research	16
State Court Administrator's Office	17
Circuit Judicial Staff	18
Circuit Court Administrator	18
Clerk of Court	18
Court Services Officer	18
Court Reporter	19
Table 4. Clerk-Magistrate Staffing by Circuit	19
Table 5. Staffing Allocations by Circuit	20
Financing the Unified Judicial System	21
Table 6. State Budget Allocation	21
Definitions of Accounting Categories	22
Table 7. Clerk of Court Receipts and Disbursements, Fiscal Year 1984	23
Table 8. Clerk of Court Receipts and Disbursements, Compared, FY 1980 to FY 1984	24
Chart 2. Selected Receipts Compared, Restitution, etc.	25
Discussion of Fines and Costs	26
Chart 3. Selected Receipts Compared, Fines and Costs	27

Table of Contents

Title		Page
Chart 4.	State Fine Receipts, by Circuit, Compared	27
Table 9.	Comparison of State Fines, by County and Circuit	28
Chart 5.	Selected Receipts Compared, Total, Child Support, State Fines	29
Chart 6.	Selected Disbursements Compared	29
Chart 7.	Court Appointed Attorney Repayment, by Circuit	30
Table 10.	County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders	31
Table 11.	Average Cost per Court Appointment, by County	32
Table 12.	Travel Mileage by Judges And Magistrates, and	33
	Mileage by Court Services Officers	34
Chart 8.	Judicial Mileage Comparison by Circuit	33
Table 13.	Comparison of Court Services Activities	35
Civil Case Trends		
Table 14.	Civil Caseload by County, Fiscal Year 1984	36
Table 15.	Criminal Caseload by County, Fiscal Year 1984	38
Table 16.	Civil Caseload Summary	40
Chart 9.	Civil Action Filings	41
Chart 10.	Civil Contested Filings and Dispositions	42
Chart 11.	Small Claims Actions	42
Chart 12.	Divorce, Annulment and Separation Cases	42
Criminal Case Trends		
Table 17.	Criminal Caseload Summary	43
Chart 13.	Felony Caseload	44
Chart 14.	Felony and Class-One Misdemeanor Trials	44
Chart 15.	Class-One Misdemeanor Caseload	45
Chart 16.	Class-One Misdemeanor and DUI Filings	45
Table 18.	DUI Violations Summary	46
Chart 17.	DUI Violations Summary, Filings, Guilty Pleas and Dismissals	47
Chart 18.	DUI Violations Summary, Suspended Impositions of Sentence and Trials	47
Table 19.	DUI Filings and Dispositions by County	48
Chart 19.	Suspended Imposition of Sentence	49
Chart 20.	Class-Two Misdemeanor Caseload, Filings and Guilty Pleas	50
Chart 21.	Class-Two Misdemeanor Caseload, Dismissals and Trials	50

Unified Judicial System: 1984

For the South Dakota Unified Judicial System, 1984 was a special year. This is true not only because 1984 signals ten years of successful operation for the system. It was also a year that brought about the retirement of one of the most effective leaders of the state judiciary, and it was a time of significant structural change in the system itself.

On considering the ten years of operation, we hope that the people involved in the UJS during this time are satisfied that the system has developed into an increasingly responsive component of state governmental administration. The statistical material presented in this report indicate that the efficiency of the system, particularly in the past five fiscal years, has been improving steadily.

And in the loss column for 1984, Justice Francis Dunn, the first Chief Justice to serve a full four-year term after the organization of the new system, retired from the Supreme Court bench in September of this year. For those who know him, it is unnecessary to recount here the qualities of style and personality that made him one of the most popular members of the legal-judicial community. We are sure that his many friends in the system offer him enthusiastic best wishes for the future.

In the context of the the ten-year existence of the UJS, however, Chief Justice Dunn's innovative and eloquent leadership, particularly in the early years of the developing system, must at least be mentioned. His mature, percipient, management skills were vital to the successful growth, and possibly the very existence, of the system, at that time. For his incisive analysis of administrative problems during his tenure as Chief Justice, and his effective direction in their solution, will always owe him our special gratitude.

Still another noteworthy occurrence this year is that, for the second time since 1975, the State Supreme Court has made a significant change in the geography of the system.

When the South Dakota Unified Judicial System was put into operation in January, 1975, the previous decentralized collection of county and municipal courts were reorganized into a state-wide structure, centrally funded and administered. In actual practice over the years since unification, regional management has been promoted by the circuit structure, which divides the state system into eight separate judicial circuits. The presiding judge of each circuit is responsible for the local management of the personnel and procedures of the courts.

As of January 1, 1984, The boundary between the third and fifth circuit was modified. The change transferred Faulk County and Spink County from the third to the fifth circuit.

The decision by the Supreme Court to make this change was brought about by the retirement of presiding judge Philo Hall of the fifth circuit. It is the responsibility of the Supreme Court, when such a vacancy occurs on the bench, to decide whether the position should be filled without any other change, or whether the efficient management of the judiciary requires some additional modification of the system.

The decision to change the circuit boundaries instead of filling the vacant judge position was based on the Court's study of a population shift that has been taking place in the state over the past decades. As shown in Map 2, the population of many counties in the central and north central parts of the state has been decreasing, while some other areas of the state are experiencing a steady population increase.

This boundary change was somewhat controversial in that it also replaced one of the judgeships in the city of Aberdeen with one from Redfield, in Spink County. This reduced the number of resident judges in the city of Aberdeen from two to one. The local members of the bar objected, arguing that the caseload in that city requires more than one full-time resident judge.

Statistics indicate that the criminal caseload has remained fairly stable in the Aberdeen area for the past fiscal years, but the civil case filings and hearings have increased substantially in fiscal 1984. This increase seems to be primarily the result of a rise in the number of child support hearings.

This would indicate that the caseload of the resident judge in Aberdeen has been increased, but, as in the past, the continuing courtroom assistance from judges in the other parts of the fifth circuit has helped keep total dispositions in balance with filings. This assistance is reflected in the travel statistics presented in Table 12 on page 31, which shows that the judicial miles traveled in the fifth circuit are higher than any other circuit.

Another result of the boundary change has been that, as the Third Judicial Circuit has been reduced in size, the courts of that circuit, and the Unified Judicial System, have been reduced by one circuit judge and one court reporter, at a substantial saving to the taxpayers of the state.

In April, the Chief Justice of the Supreme Court created a Committee on Victims/Witnesses to study issues and problems involved in the treatment of witnesses and victims in criminals cases. The committee, after appropriate research, held public hearings to allow direct communications from interested parties, and provided a training program during the annual State Bar Association meeting. The committee proposed specific legislative changes, which were considered and amended by the Judicial Conference in October, and recommended to the legislature for passage.

The UJS in 1984 began participation in an inter-agency task force formed by the Governor to make recommendations for development of a state-wide criminal justice information system. The intended purpose of the new system is to provide current, computerized, criminal-prosecution information, from one centralized data base, to all appropriately interested agencies in the state.

A requirements study, and an external design document, have been completed. Further system development and the appointment of a UJS-CJIS sub-committee is expected in 1985.

Still another joint inter-branch effort involves a request from the Attorney General's office for the judiciary to assist in the development of a new uniform citation, power-of-attorney, and judgment and sentence form for traffic violations.

There is increasing concern in both the Executive and Judicial branches of government about the adequacy of the existing method of handling of traffic violations, and the reporting process. At year's end, a new citation and power-of-attorney form had received tentative approval in both branches, and a new judicial reporting form was discussed, but final action had not yet been taken.

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed (according to Constitutional Amendment passed in 1980) and subject to electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, exercised primarily through Chief Justice.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-five judges, who are elected at-large from within their respective circuits for an eight-year term.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. The magistrate function is performed in most counties by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, accept pleas of guilty, not guilty and nolo contendere for class-two misdemeanors, conduct trials for petty offenses and for uncontested civil cases involving damages of $2000.00 or less.

Law-Trained Magistrate:

Licensed attorney, appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

The Court Structure

The South Dakota Unified Judicial System, as illustrated by the material presented on the previous page, is basically a two-level structure of interrelated functions. The Supreme Court of the state furnishes administrative leadership and serves as the appellate court. The Circuit Courts are the courts of original jurisdiction at the trial level. They employ courts of limited jurisdiction to assist in certain less-serious types of court action.

The courts, and the administrative apparatus of the judicial system, are described in detail in the material following.

Supreme Court

The Supreme Court of the state functions primarily as the state's highest appellate court. This means that the Supreme Court is the court of last resort to which decisions of the lower courts may be appealed. In considering state issues, and making decisions about cases received from parties appealing circuit court actions, the Court is restricted by precedent (previous decisions) and state law. When a case meets the general criteria to be considered on appeal, the Court's judgment to reverse or affirm a lower court decision is based on a simple majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to a justice at random. All of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The court term for the Supreme Court extends the full calendar year. The sessions are held in the State Capitol or in those cities, or college campuses, that the Supreme Court may specify by court order.

Membership and Appointment

The five members of the Court (four associate justices and a chief justice) are responsible for making the decisions regarding the appellate cases and other judicial business. It is not unusual, however, for one of the circuit court judges of the state to be placed on the Supreme Court bench temporarily to assist in the decision making process.

This may occur when a justice disqualifies himself because he might have, or appear to have, some type of personal involvement in a case (conflict of interest), or if there is a vacancy on the Court caused by the illness or retirement of one of the justices. At the end of 1984, for example, Presiding Circuit Judge George Wuest was placed on the Court as a temporary substitute for retiring Associate Justice Francis Dunn, until a replacement is appointed by the Governor.

All of those who sit on the Supreme Court must be licensed to practice law in the state and they must be voting residents of the district from which they are appointed (see Map 1). There is no formal age requirement, but there is a statutory requirement that the justices retire shortly after they reach the age of seventy. A retired justice, if he is amenable to the request, may be called back into judiciary service in any of the state's courts.

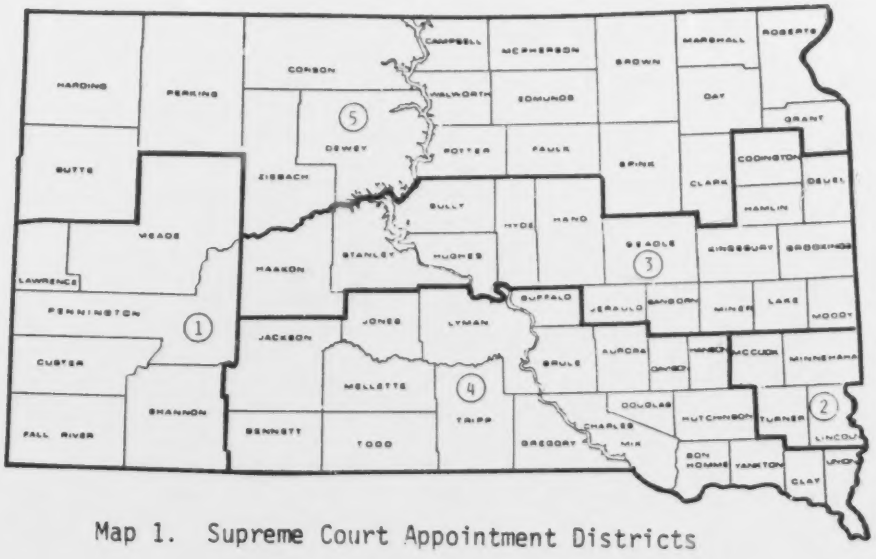
The present members of the Court were elected, one from each of five districts established by the legislature, for a term of eight years. Map 1, on the following page, illustrates

the boundaries of the five Supreme Court appointment districts. The terms of the members of the Court are alternated. In districts four and five, the justices were elected for eight-year terms beginning in 1977; in districts one, two and three, the eight-year term began in 1979.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates who are residents of the proper district and nominated by the Judicial Qualifications Commission. All Supreme Court justices stand for state-wide retention election, unopposed. For newly appointed justices, the vote will be held at the next general election following the third year after appointment; for incumbent justices, at the end of their existing term. After that, all justices stand for retention election every eighth year.

Jurisdiction

The original jurisdiction of the Court extends generally to all issues involving the interests of the State. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.



Map 1. Supreme Court Appointment Districts

The five districts established by the 1982 legislature, from which the Supreme Court Justices are appointed, are shown in the above map. Justice Frank Henderson is from the first district; Justice Francis Dunn from the second; Chief Justice Jon Fosheim from the third; Justice Robert Morgan from the fourth; and Justice Roger Wollman from the fifth.

The appellate jurisdiction of the Court, by which the justices hear appeals from decisions of the lower courts, constitutes the bulk of their workload. This function insures adherence to accepted principals of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervising the licensing, and for deciding on questions of disbarment, of attorneys in the state. In the exercise of these duties, the justices monitor the ethical and professional conduct of attorneys and judges. This responsibility also requires that the Court provide appropriate guidelines and hold disciplinary hearings to help establish standards for the appropriate behavior of the members of the legal and judicial communities.

The administrative rule-making power of the Supreme Court also includes control of lower court practice and procedure, which encompasses such items as the regulation of civil litigation and criminal prosecution, and certain structural changes in the judicial system. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court includes modification of the number of circuit court judges, and boundaries, of circuits, and general administrative supervision of the Unified Judicial System. Some rules recently issued by the Court include clarification of terms and procedures of the Judicial Qualifications Commission, special regulation of testimony of medical doctors, and the modification of boundaries and the elimination of a judge position in the third circuit.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations governing official travel, and for training, of the personnel in the Unified Judicial System.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges and justices. Also, the Court may appoint, at its pleasure, such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judiciary process. He is assisted in this role by the State Court Administrator's Office and the presiding judges.

Statistical data for the Supreme Court's caseload are presented below.

	FY 1980	FY 1981	FY 1982	FY 1983	FY 1984
FILINGS	341	326	363	406	371
Appeals	273	261	300	317	296
Intermediate Appeals	28	27	28	38	23
Original Proceedings	20	22	19	17	18
Notice of Review	15	12	11	30	30
Miscellaneous Filings	5	4	5	4	4
DISPOSITIONS	346	361	372	399	391
Opinions/Cases	173/202	238/269	190/228	212/248	190/235
Orders of Dismissal/Cases	92/94	50/55	72/78	84/84	92/97
Orders of Denial	31	34	42	31	32
Miscellaneous	19	3	6	13	6
Expedited Appeals Granted			18	23	21
PENDING CASES (as of 6-30)	290	262	260	276	267
Submitted and Pending	118	88	89	82	104
Ready for Submission	57	66	45	50	40
Not Ready for Calendar	114	107	125	137	119
Other	1	1	1	7	4

Table 1. Supreme Court Caseload Compared by Fiscal Year

Supreme Court Data

The information on the table above is presented graphically on the bar chart shown on the following page. In the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

A "Notice of Review" is filed by an appellee when he seeks review of any judgment or order entered in the same action in which an appeal has been taken. A notice of review is a separate filing and a separate disposition.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1. A motion for affirmance is filed by an appellee, a motion for reversal is filed by an appellant. Additionally, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is used because it usually takes less time to process appeals under this statute. The Court must be unanimous in its decision to render a summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main sub-categories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only the written decision of the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

The data shown in the chart illustrate that filings and dispositions are down from the previous year, after a steady increase over the past three years. Also, the chart shows that fiscal year 1984 filings were close to the level of fiscal year 1982, and that there were more dispositions than filings for fiscal year 1984.

Cases submitted and pending, that is, awaiting decision from the court, were at a higher level than they were at the end of the previous three fiscal years. The remaining categories of pending cases, which reflect future caseload, are also at a lower level than for the three previous years.

Table 2 and Map 2, on the following pages, show part of the reference data used by the Supreme Court in deciding boundaries of judicial circuits, and allocation of personnel.

Chart 1. Supreme Court Caseload Comparison

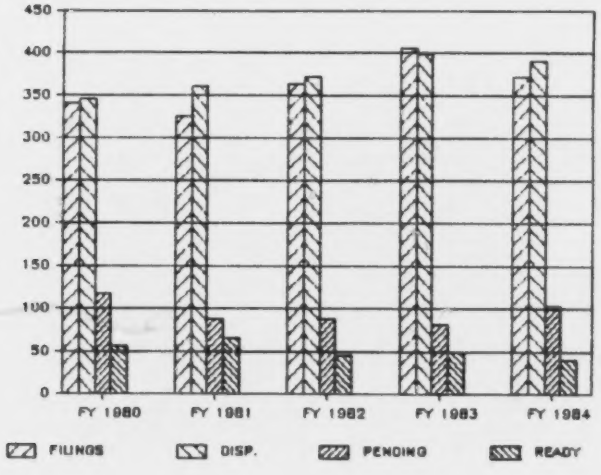
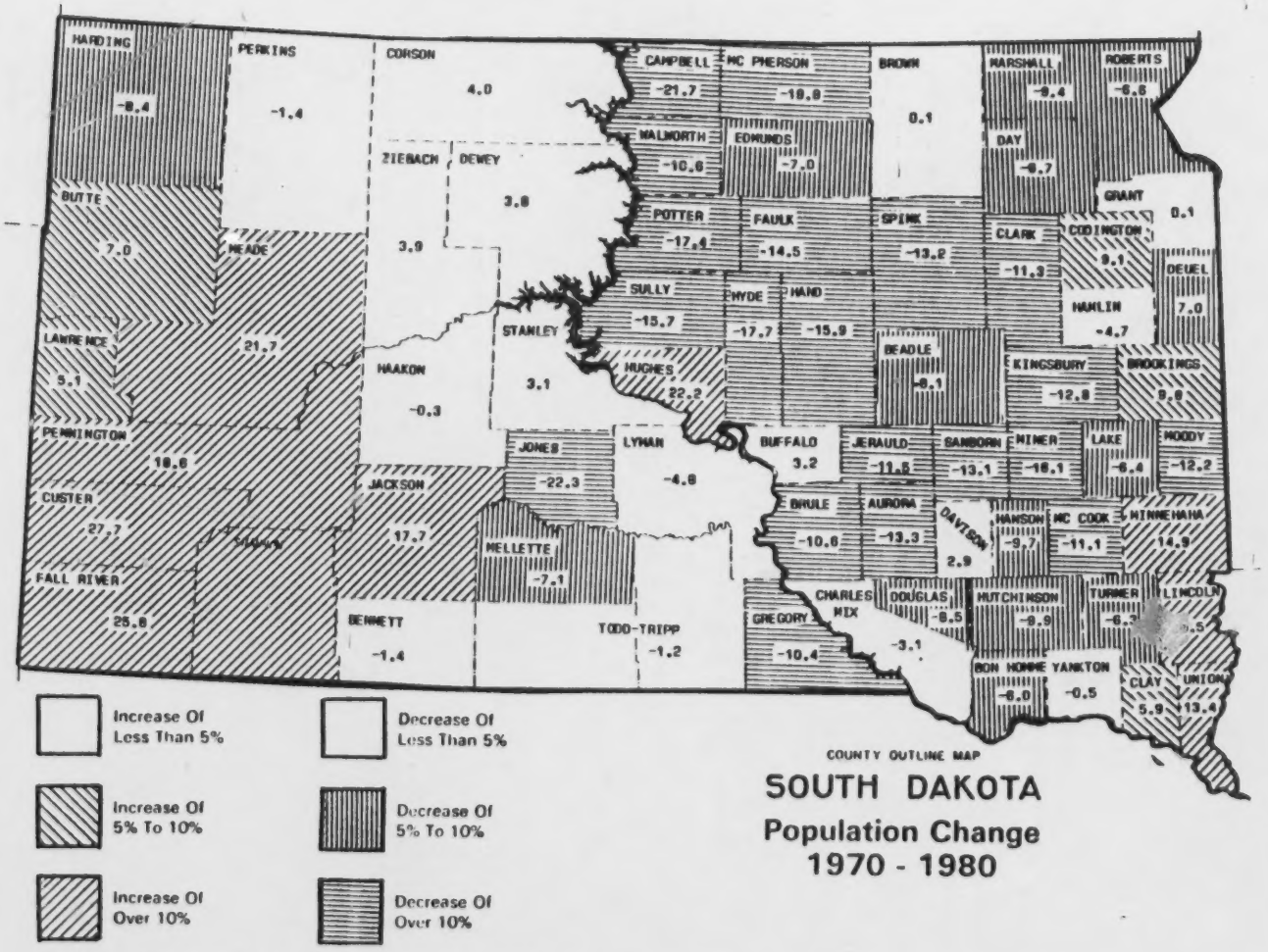


Table 2. Rate of Population Change

COUNTIES	POP. 1980	POP. 1970	POP. 1960	POP. 1950	PERCENT CHANGE 70-80	60-80	50-80
FIRST CIRCUIT:							
BON HOMME	8,059	8,577	9,229	9,440	-6.0%	-12.7%	-14.6%
CHARLES MIX	9,880	9,994	11,785	15,558	-3.1%	-17.9%	-37.8%
CLAY	13,599	12,923	10,810	10,993	5.9%	26.6%	24.5%
DOUGLAS	4,181	4,568	5,113	5,836	-8.5%	-18.2%	-26.8%
HUTCHINSON	9,350	10,378	11,085	11,423	-9.9%	-15.7%	-18.1%
LINCOLN	13,942	11,761	12,371	12,767	18.5%	12.7%	9.2%
TURNER	9,255	8,872	11,158	12,100	-6.3%	-17.1%	-23.5%
UNION	10,938	9,843	10,197	10,792	13.4%	7.3%	1.4%
YANKTON	18,852	19,039	17,551	16,804	-0.5%	8.0%	12.8%
TOTAL	98,046	96,757	99,300	105,513	1.3%	-1.3%	-7.1%
SECOND CIRCUIT:	109,435	95,209	88,575	70,910	14.9%	26.4%	54.3%
THIRD CIRCUIT:							
BEADLE	19,195	20,877	21,682	21,082	-8.1%	-11.5%	-9.0%
BROOKINGS	24,332	22,158	20,046	17,851	9.8%	21.4%	36.3%
CLARK	4,884	5,515	7,134	8,369	-11.3%	-31.4%	-41.5%
CODINGTON	20,885	19,140	20,220	18,944	9.1%	3.3%	10.2%
DEUEL	5,289	5,686	6,782	7,689	-7.0%	-22.0%	-31.2%
GRANT	9,013	9,005	9,913	10,233	0.1%	-9.1%	-11.9%
HAMLIN	5,261	5,529	6,303	7,058	-4.7%	-16.5%	-25.5%
HAND	4,948	5,883	6,712	7,149	-15.9%	-26.3%	-30.8%
KINGSBURY	6,879	7,657	9,227	9,962	-12.8%	-27.6%	-33.0%
TOTAL	100,486	101,441	109,019	108,337	-0.9%	-7.0%	-7.2%
FOURTH CIRCUIT:							
AURORA	3,628	4,183	4,749	5,020	-13.3%	-23.6%	-27.7%
BRULE	5,245	5,870	6,319	6,076	-10.6%	-17.0%	-13.7%
BUFFALO	1,795	1,738	1,547	1,615	3.2%	16.0%	11.1%
DAVISON	17,820	17,319	16,681	16,522	2.9%	6.8%	7.9%
HANSON	3,415	3,781	4,584	4,896	-9.7%	-25.5%	-30.2%
JERAULD	2,929	3,310	4,048	4,476	-11.5%	-27.6%	-34.6%
LAKE	10,724	11,456	11,784	11,792	-6.4%	-8.9%	-9.1%
MC COOK	6,444	7,246	8,268	8,829	-11.1%	-22.1%	-27.0%
MINER	3,739	4,454	5,398	6,268	-16.1%	-30.7%	-40.3%
MOODY	6,682	7,622	8,810	9,252	-12.2%	-24.0%	-27.7%
SANBORN	3,213	3,697	4,641	5,142	-13.1%	-30.8%	-37.5%
TOTAL	65,644	70,677	76,809	79,887	-7.1%	-14.5%	-17.8%

COUNTIES	POP. 1980	POP. 1970	POP. 1960	POP. 1950	PERCENT CHANGE 70-80	60-80	50-80
FIFTH CIRCUIT:							
BROWN	36,982	36,820	34,106	32,617	0.1%	8.4%	13.3%
CAMPBELL	2,243	2,868	3,631	4,046	-21.7%	-38.5%	-44.6%
DAY	8,133	8,713	10,816	12,294	-6.7%	-22.7%	-33.8%
EDMUNDS	5,158	5,548	6,078	7,275	-7.0%	-15.1%	-29.1%
FAULK	3,327	3,893	4,397	4,752	-14.5%	-24.3%	-30.0%
MARSHALL	5,404	5,965	6,863	7,835	-9.4%	-18.9%	-31.0%
MC PHERSON	4,027	5,022	5,821	7,071	-19.8%	-30.8%	-43.0%
ROBERTS	10,911	11,878	13,190	14,929	-8.6%	-17.3%	-26.9%
SPINK	9,201	10,595	11,706	12,204	-13.2%	-21.4%	-24.6%
WALWORTH	7,011	7,842	8,097	7,648	-10.6%	-13.4%	-8.3%
TOTAL	92,378	99,042	104,106	110,671	-6.7%	-11.3%	-16.5%
SIXTH CIRCUIT:							
BENNETT	3,044	3,088	3,053	3,386	-1.4%	-0.3%	-10.4%
GREGORY	6,015	6,710	7,389	8,556	-10.4%	-18.7%	-29.7%
HAAKON	2,794	2,802	3,303	3,167	-0.3%	-15.4%	-11.8%
HUGHES	14,220	11,632	12,725	8,111	22.2%	11.7%	75.3%
HYDE	2,089	2,515	2,602	2,811	-17.7%	-20.5%	-26.4%
JACKSON	3,437	2,920	3,027	3,319	17.7%	13.5%	3.6%
JONES	1,463	1,882	2,066	2,281	-22.3%	-29.2%	-35.9%
LYMAN	3,864	4,060	4,428	4,572	-4.8%	-12.7%	-15.5%
MELLETTE	2,248	2,420	2,664	3,046	-7.1%	-15.6%	-26.2%
POTTER	3,674	4,448	4,926	4,898	-17.4%	-25.4%	-21.8%
STANLEY	2,533	2,457	4,065	2,055	3.1%	-38.0%	23.3%
SULLY	1,990	2,362	2,607	2,713	-15.7%	-23.7%	-26.6%
TODD-TRIPP	14,596	14,777	13,422	13,887	-1.2%	8.7%	5.0%
TOTAL	61,948	62,074	66,307	62,612	-0.2%	-6.6%	-1.1%
SEVENTH CIRCUIT:							
CUSTER	6,000	4,898	4,906	5,517	27.7%	22.3%	8.8%
FALL RIVER	19,762	15,703	16,688	16,108	25.8%	18.4%	22.7%
PENNINGTON	70,361	59,348	58,195	34,053	18.6%	20.9%	106.6%
TOTAL	96,123	79,750	79,789	55,678	20.5%	20.5%	72.6%
EIGHTH CIRCUIT:							
BUTTE	8,372	7,825	8,592	8,161	7.0%	-2.6%	2.6%
CORSON	5,196	4,994	5,799	6,168	4.0%	-10.4%	-15.8%
DEWEY	5,368	5,170	5,257	4,958	3.8%	2.1%	8.0%
HARDING	1,700	1,855	2,371	2,286	-8.4%	-28.3%	-25.7%
LAWRENCE	18,338	17,453	17,075	16,648	5.1%	7.4%	10.2%
MEADE	20,717	17,020	12,044	11,518	21.7%	72.0%	79.9%
PERKINS	4,700	4,768	5,977	6,776	-1.4%	-21.4%	-30.6%
ZIEBACH	2,308	2,221	2,495	2,608	3.9%	-7.5%	-11.4%
TOTAL	66,698	61,307	59,609	59,132	8.8%	11.9%	12.8%
STATE TOTALS	690,768	666,257	680,514	652,740	3.7%	1.5%	5.8%

Map 2. Population Change



Note: The population shown for Fall River County includes that of Shannon County.

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings, except those reserved for the Supreme Court. Appeals from decisions of the magistrate court division are also heard by the judges of the circuit court. These judges are elected at large from within their respective circuits for a term of eight years. The thirty-five (thirty-six before January 1, 1984) judges, and the law-trained magistrates, in office at the end of fiscal year 1984 are listed on page 14. The map showing circuit boundaries is presented below.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following.

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

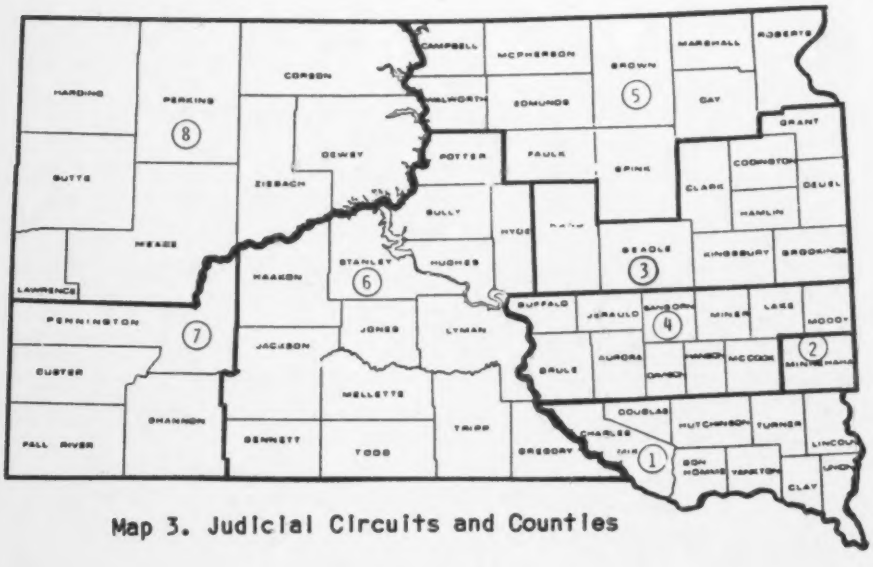
2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

In the map below, the eight judicial circuits of the state are designated. The judges and law-trained magistrates for each circuit are listed on page 14.



Map 3. Judicial Circuits and Counties

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. Arraignment and trial of all felony cases are the exclusive criminal jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following.

1) Dispute of title or boundary of real property

2) Divorce or annulment of marriage

3) Probate, guardianship and settlement of estates

4) Juvenile proceedings

5) Civil disputes in which damages claimed are in excess of $2,000.00.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts.

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature can provide for courts of limited jurisdiction. In the present structure, these courts--the magistrate division--assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. The law-trained magistrates are appointed by the presiding judge to a four-year term upon approval by the supreme Court. As is apparent from the list presented on page 14 , a substantial number of these positions are filled by part-time personnel.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and small claims disputes.

The lay magistrates, in contrast to the law-trained personnel, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas and impose sentence only in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. They may also set bond in criminal cases and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge).

The lay magistrate's court also has the power to perform marriages; administer oaths and take depositions; issue warrants for arrest or search; and adjudicate uncontested small claims and other uncontested civil disputes involving amounts of $2,000 or less. Table 4 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. In most counties, the clerk of court serves as the lay magistrate.

Presiding Judges' Meeting

Approximately every two months throughout the year, the eight presiding judges meet with the State Court Administrator and the Chief Justice. At two of these meetings each year, half-day participation by the eight chief court services officers is also included.

Through the presiding judges meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, management problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive and legislative branches of state government to meet with the judicial personnel responsible for the implementation of operations at the circuit court level, in order to discuss issues of mutual concern.

During the year, the presiding judges, at their meetings, considered modifications in the court-reporter fees, a modified management system for court services workload, reporting interaction with the Division of Criminal Investigation, time restrictions for the processing of criminal cases, and the modification of the fine and bond schedule.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, required by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

The results of the 1984 Judicial Conference included the following.

1) Consideration of changes in policy regarding court decisions about child support, in response to a new federal law requiring the establishment of state guidelines.

2) Recommendations for changes in state legislation regarding restrictions for release of defendants on bail.

3) Recommendations for changes of legislation regarding the handling of juries.

4) In response to the Chief Justice's Committee on Victims/Witnesses, the conference, after extensive discussion, deliberation and amendment, recommended the passage of related legislation. The recommended laws are intended to eliminate some of the most serious problems noted by the committee regarding the treatment of victims and witnesses of crimes.

Bench Personnel by Judicial Circuit

FIRST JUDICIAL CIRCUIT, Judges:
Connelly, Riley
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Marmet, Robert G.

SECOND JUDICIAL CIRCUIT, Judges:
*Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Kean, Gene Paul
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale E.
Evans, Vernon
Martin, Eugene L.
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Gordon J.

Law-Trained Magistrates:
Gullickson, Larry
Jones, Rolland

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall M.
McMurchie, Boyd L.
*Wuest, George W.

Law-Trained Magistrates:
Jones, Rolland
Sage, Doyle (8-15-83)

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo (Ret. 6-17-83)
*Ramynke, Mildred D.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James (8-15-83)

SIXTH JUDICIAL CIRCUIT, Judges:
Anderson, James W.
Heck, Donald L.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrates:
Lee, Thomas (Term. 5-31-84)
Wendt, Richard (7-2-84)

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
Parker, F. Thomas (Ret. 3-9-84)
Konenkamp, John (6-15-84)
Tice, Merton B. Jr.
*Young, Marshall P.

Law-Trained Magistrates:
**Klauck, Jack
Viken, Linda Lea (Term. 6-29-84)
**O'Connor, Michael (7-16-84)

EIGHTH JUDICIAL CIRCUIT, Judges:
Johnson, Warren
*Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Mueller, Walter (Term. 4-20-84)
Hoggatt, Ralph (4-9-84)

*Indicates Presiding Judge
**Indicates Full-Time Magistrate
Note: Judge Evans of the Third Circuit transferred permanently to the Fifth Circuit as of January 1, 1984.

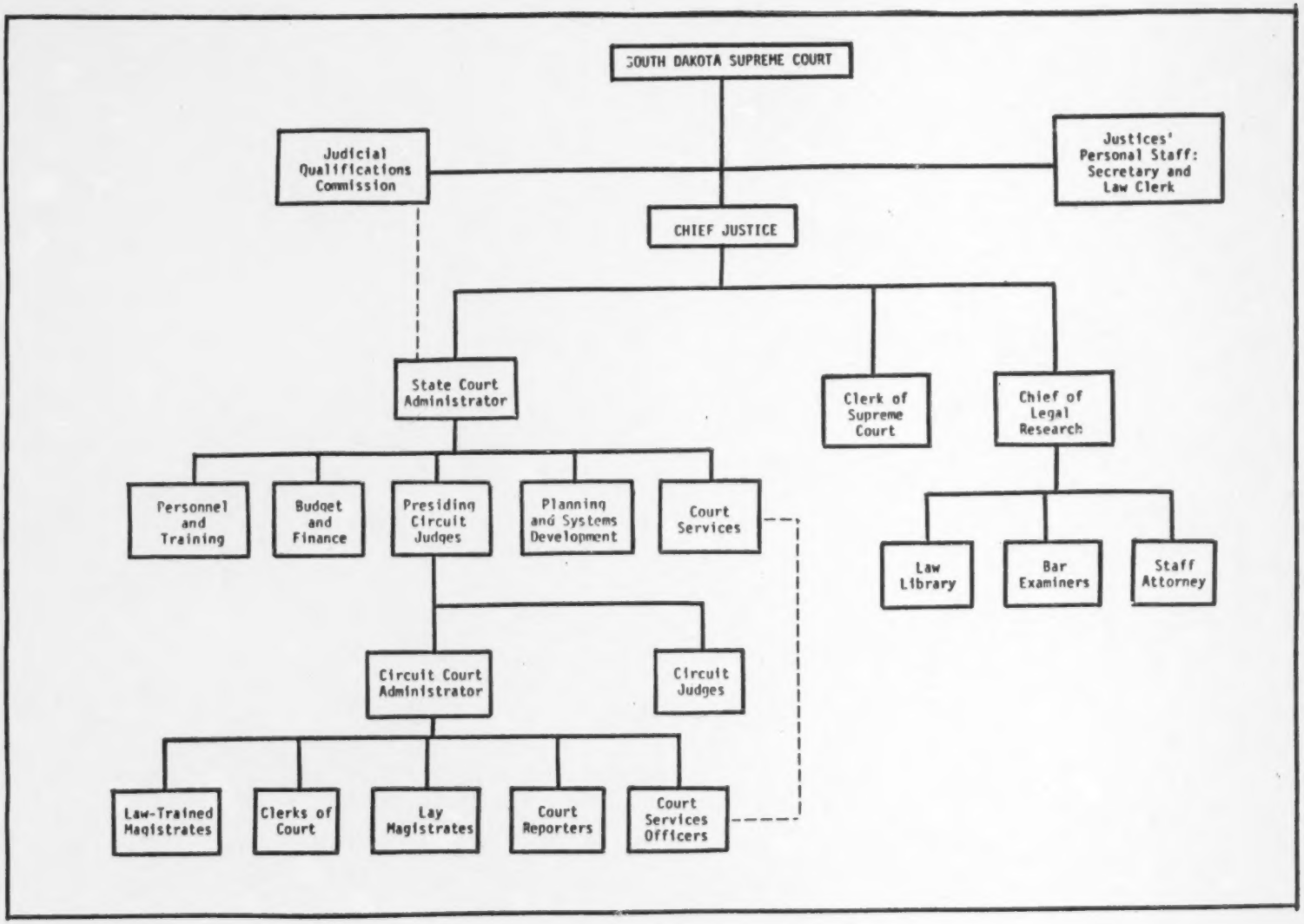


Table 3. Organization Chart for the Unified Judicial System

State Judicial Staff

Judicial Qualifications Commission

This commission, created by Article V, Section 9, of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 Judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four-year terms of the members are imbricated to promote policy continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor, who in turn makes the appointment to fill the vacancy.

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court, the compilation of appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. The responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As Supreme Court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court law library of some 40,000 volumes.

3) The Chief of Legal Research also coordinates the staff attorney's efforts to prescreen appeals and draft internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorney screens the cases brought on appeal and makes recommendations to the Supreme Court regarding disposition.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative direction and support services to the Unified Judicial System. In addition to these management and policy functions, there are four major sub-divisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including mandatory professional development programs for judges.

The personnel and training office is also responsible for the revision of personnel rules, and for the coordination of activities involved in advertising open positions, and related activities in recruiting new personnel for the judiciary.

The Budget and Finance Division is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms and accounting procedures for the Unified Judicial System.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, the analysis of caseload and disposition data, and the preparation of research reports.

During the year, this division was involved in the computerization of magistrate docketing and accounting in the Second Judicial Circuit, which was implemented at the end of 1984. With this system in operation, class-two misdemeanor violations in Minnehaha County are docketed through the minicomputer operated by the county. In addition, the fine and bond money received for these offenses is also automatically recorded from the same computer entry.

This division is also involved in a joint inter-agency study toward the development of a new criminal justice reporting system that would make criminal prosecution information available to a number of interested state agencies. An external design document was being completed at the end of 1984.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the development and coordination of all professional activities of court services officers.

This year, as a result of the publication of a Court Services Officer's Task Force study, Juveniles, Services and Dollars: Evaluative Data for a Review of the Alternative Care Program FY 78 to FY 82, the Supreme Court adopted procedural guidelines governing juveniles in the Alternative Care Program. Specifically, the guidelines relate to criteria for removing children from the family home, preplacement and placement procedures, termination of placement, and aftercare services.

Also, in response to the presiding judges' request that the circuit courts be allowed to provide divorce custody mediation services, the Supreme Court adopted a policy allowing such services based upon court services officers' time being available to provide the services. Sixteen court services officers were formally trained in divorce mediation by instructors provided by the American Arbitration Association. The training was funded by a grant received from the National Council of Juvenile and Family Court Judges.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting, and statistical reporting responsibility. Presently only the second and seventh circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, and perform record-keeping and filing functions for the courts. The clerk also assists and informs the public on matters involving the schedule of the court and proper procedures, and maintain the appropriate court records for the judicial reporting system. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator, and members of his staff, periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, and to suggest solutions.

Court Services Officer

The duties of the court services officers include the following.

1) Conducting presentence and juvenile prehearing investigations

2) Generating the appropriate reports and recommendations resulting from those investigations

3) Providing juvenile diversion, probation and family treatment services

4) Coordinating and receiving restitution payments

5) Supervising probation assignments as ordered by the courts

6) Organizing and coordinating foster care and residential group care services for juveniles.

Coordinating the activities of the court services officers are the chief court services officers, one of which is appointed in each judicial circuit. These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most law-trained magistrates are assigned a full-time court reporter, whose duty it is to keep verbatim transcripts of required court activities, to make those transcripts available, and to assist the court in any related needs. The court reporter also provides secretarial services for the judge.

The table below details the number of persons in various categories of clerk-magistrate and lay magistrate positions, full-time and part-time, by circuit.

Table 4. Clerk-Magistrate Staffing by Circuit

CIRCUITS:	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	STATE TOTAL
FULL TIME:									
Court Clerk-Magistrate	9	2	11	10	7	10	1	4	54
Court Clerk (not magistrate)	0	0	0	0	0	0	3	0	3
Deputy Court Clerk	8	16	6	0	6	0	16	1	53
Deputy Court Clerk-Magistrate	1	0	6	8	3	4	0	5	27
Other*	0	4	0	0	0	0	2	0	6
PART TIME:									
Court Clerk-Magistrate	0	0	0	1	1	3	0	4	9
Deputy Court Clerk	8	0	3	4	5	1	1	1	23
Deputy Court Clerk-Magistrate	0	0	4	1	0	11	0	7	23
Lay Magistrate	4	0	0	0	0	5	4	2	15

* Accounting Clerk, Microfilm Machine Operator, Lay Magistrate

Note: The circuit boundary change between the Third and the Fifth Circuits is not shown in this table.

Table 5. Staffing Allocations by Circuit

Position / Circuits:	1st	2nd	3rd	4th	5th	6th	7th	8th	Total
Bailiff	0.3	4.4	0.3	0.4	0.3	0.4	0.5	0.4	7.0
Circuit Judge	4.0	5.0	6.0	4.0	4.0	5.0	5.0	3.0	36.0
Clerk of Court	9.0	2.0	11.0	10.4	7.6	11.7	4.0	6.7	62.4
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	6.0	6.0	4.0	5.0	5.0	6.0	4.0	40.0
Court Services Officer	7.0	12.0	8.0	6.0	5.0	5.5	9.0	5.0	57.5
Deputy Clerk of Court	12.2	19.0	15.7	9.3	11.0	6.7	17.5	7.7	99.1
Law Clerk	0.0	2.0	1.0	0.0	1.0	1.0	1.0	0.0	6.0
Law-Trained Magistrate	2.0	2.0	0.5	1.0	1.8	0.5	1.6	2.0	11.4
Lay Magistrate	0.5	1.0	0.0	0.0	0.0	2.1	1.3	0.9	5.8
Secretary	3.0	7.0	4.0	3.0	3.2	2.5	6.5	2.0	31.2
TOTAL	42.0	61.4	52.5	38.1	38.9	40.4	53.4	31.7	358.4

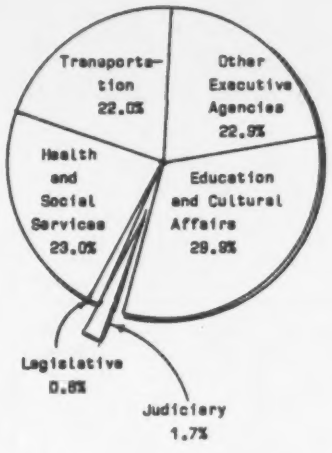
Staffing Allocations

Because many of the positions filled in the Unified Judicial System are part-time positions, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). The data for the fiscal year reflects an overall reduction of 2.7 FTE from the previous year. This resulted from an FTE decrease of 5.4 clerks and deputy clerks of court, .5 bailiffs, and 1.0 court reporter; and an increase of .5 law trained magistrates, 1.0 court services officers, and 2.7 secretaries.

This does not include the reduction of one circuit judge and one court reporter in the third circuit. This reduction was the indirect result of the transfer of Faulk and Spink Counties, and a resident judge, from the Third Judicial Circuit to the Fifth Judicial Circuit, and the elimination of a vacant judge position in the latter circuit.

In addition to the staff reduction, this boundary change resulted in the tranfer of 3.8 FTE into the fifth circuit from the third circuit, which is also not reflected in the table. These were 2.0 clerks of court, and 1.8 deputy clerks.

Table 6. State Budget Allocation



AGENCY		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation		$157.8	22.0%
Education and Cultural Affairs		214.2	29.9
Health and Social Services		164.8	23.0
Other Executive Agencies:			
Charities and Corrections	$44.0		
Labor	19.1		
Executive Management	20.8		
Game, Fish and Parks	19.2		
Commerce and Regulation	17.3		
Other	43.4		
Total, Other Executive Agencies		163.8	22.9
LEGISLATIVE		3.8	0.5
JUDICIARY		11.2	1.7
TOTAL		$715.2	100.0%

Financing the Unified Judicial System

The Unified Judicial System of South Dakota is financed by a combination of state, county and municipal funds. The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out of home placement of juveniles, and training. State funding provides for personal services, which include salaries and benefits, for the employees in these operations for fiscal year 1984, at a cost of 8.8 million dollars for 323 full-time, and 90 part-time employees.

The state also funded operating costs of 2.4 million dollars in fiscal year 1984. These operating costs are travel, contractual services, supplies and materials, and capital assets.

It is the responsibility of the county to fund jury fees, witness fees, transcript costs and attorney fees for indigent defense. Also, counties are required to provide facilities for the operations of circuit court, clerks of court, and court services. The facilities provided are office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. Many counties maintain a county law library which is partially funded from a law library fee collected on each civil filing in the circuit court.

The legislature requires the counties to reimburse the state's general fund 25% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year. The total amount of the reimbursement is pro-rated to each county based upon percentage of the state population that resides in the county. Credits are allowed to the county for the amount of space provided for the operation of the courts.

Municipalities are required to provide funding to support activities that are necessary to enforce municipal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants. Municipalities also provide facilities for law-trained and lay magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties, and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes the preparation and submission of the annual consolidated budget request for the Chief Justice; the control of the operating budget, and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions below apply to the categories of accounting information in Table 7, following.

City Fines: Fines collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund which is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund (65%) and the state general fund (35%).

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund.

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated Costs: A $12.00 surcharge set by the state legislature to be assessed for all criminal cases. Ten dollars of this is to be used for training for law enforcement, corrections, and judicial personnel. Two dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is repaid to the victim.

Posted Bonds: Bonds posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

Table 7. Clerk of Court Receipts and Disbursements, FY 1984

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTALS
CASH RECEIPTS:									
CITY FINES	$108,502	$387,545	$103,748	$49,848	$93,877	$49,187	$291,250	$76,036	$1,159,971
CITY COSTS RECOVERED	33	1,122	247	0	563	69	0	482	2,616
CITY FORFEITURES	35	3,782	8,666	1,955	38	25	337	50	14,888
STATE FINES	924,429	526,956	726,710	527,060	601,702	599,731	703,362	1,005,360	5,615,310
STATE COSTS RECOVERED	10,819	89,697	11,938	13,909	8,751	30,343	67,771	24,886	258,114
STATE FORFEITURES	12,643	11,024	3,362	3,038	10,880	8,717	8,237	7,251	66,152
CASH FEES	99,692	144,645	122,105	73,249	101,140	73,655	115,999	62,659	793,144
LAW LIBRARY FEE	8,218	13,721	10,313	6,424	8,236	5,903	10,419	5,798	69,032
SMALL CLAIMS POSTAGE	4,478	3,937	6,057	3,481	3,477	3,582	7,259	2,332	34,603
LIQUIDATED COSTS	181,008	309,069	166,249	113,471	127,850	117,242	229,329	140,612	1,384,830
COURT APPOINTED ATTORNEY FEES	11,641	22,349	17,325	17,016	15,009	20,480	12,340	12,200	128,360
PETTY OFFENSE FINES	105	0	860	410	720	280	3,232	140	5,747
RESTITUTION	77,344	114,808	116,780	69,712	68,875	67,469	125,419	28,919	669,126
POSTED BONDS	205,312	256,476	143,240	126,548	242,453	198,785	240,324	217,513	1,630,651
OTHER	45,477	1,848	126,308	41,376	4,818	110,809	144,300	37,681	514,617
CHILD SUPPORT	498,846	959,614	1,691,154	621,127	861,336	759,096	1,765,053	622,587	7,778,813
TRUST FUND	71,460	116,060	231,226	7,959	239,396	370,657	5,948	188,805	1,231,511
TOTAL RECEIPTS	$2,260,042	$2,982,453	$3,488,288	$1,676,581	$2,389,021	$2,416,110	$3,731,579	$2,433,311	$21,357,385
CASH DISBURSED:									
REMITTED TO CITIES	$74,351	$265,548	$76,709	$35,471	$64,145	$33,253	$198,029	$51,694	$799,198
REMITTED TO COUNTIES	1,067,775	807,808	891,250	641,003	748,064	739,817	922,767	1,116,280	6,934,764
RESTITUTION	73,874	120,463	114,678	71,229	69,708	67,841	134,648	31,868	684,309
SMALL CLAIMS POSTAGE	4,478	3,937	6,052	3,481	3,195	3,584	7,259	2,332	34,318
POSTED BOND REFUND	207,303	258,996	109,879	136,001	244,726	194,534	201,519	205,822	1,558,380
MISCELLANEOUS REFUND	226	596	610	302	505	648	0	84	2,971
OTHER	45,215	1,421	128,042	39,105	4,770	110,048	145,108	37,799	511,508
CHILD SUPPORT FORWARDED	498,846	959,614	1,691,154	621,127	861,336	759,096	1,765,053	622,587	7,778,813
TRUST FUND	73,555	73,184	139,300	24,005	133,292	379,394	60,872	166,190	1,049,772
REMITTED TO STATE	215,227	436,452	202,177	129,902	158,294	133,291	322,927	165,490	1,763,760
TOTAL DISBURSEMENTS	$2,260,850	$2,927,997	$3,359,651	$1,701,626	$2,266,035	$2,421,506	$3,758,182	$2,401,846	$21,117,793

Table 8. Clerk of Court Receipts and Disbursements Compared, FY 1980 to FY 1984

RECEIPTS, TYPE:	FY 1980	FY 1981	FY 1982	FY 1983	FY 1984
City Fines	$1,355,865	$1,365,076	$1,798,135	$1,345,676	$1,159,971
City Costs Recovered	5,902	2,261	3,812	2,838	2,616
City Forfeitures	15,109	13,739	14,300	14,986	14,888
State Fines	2,771,803	3,253,614	4,420,292	4,826,746	5,615,310
State Costs Recovered	123,353	148,398	203,850	266,413	258,114
State Forfeitures	44,341	34,147	52,801	59,251	66,152
Cash Fees	487,825	506,604	580,977	616,762	793,144
Law Library Fee	64,482	65,886	66,362	69,650	69,032
Small Claims Postage	25,836	29,101	30,052	33,576	34,603
Liquidated Costs	258,777	288,328	330,230	1,244,454	1,384,830
Court Appointed Attorney Fee	38,757	81,871	115,916	137,367	128,360
Petty Offense Fines	2,197	2,537	2,211	2,562	5,747
Restitution	443,039	614,905	713,853	807,505	669,126
Posted Bonds	759,345	857,869	1,293,424	1,403,909	1,630,651
Other	90,542	174,432	159,705	341,466	514,517
Child Support	4,415,645	5,354,849	6,318,920	7,120,484	7,778,813
Trust Fund	846,835	422,644	559,426	497,232	1,231,511
TOTAL RECEIPTS	$11,749,653	$13,216,261	$16,664,266	$18,790,877	$21,357,385
DISBURSEMENTS, TYPE:					
Remitted to Cities	$1,377,074	$1,380,886	$1,819,710	$1,363,588	$799,197
Remitted to Counties	3,805,634	4,386,918	5,766,386	5,982,542	6,934,764
Restitution	395,567	625,166	706,555	799,762	684,309
Small Claims Postage	25,386	28,644	29,517	33,428	34,318
Posted Bond Refund	707,300	830,543	1,219,664	1,331,356	1,558,380
Miscellaneous Refund	7,080	4,615	1,984	1,689	2,971
Other	71,614	169,410	145,685	353,746	511,508
Child Support Forwarded	4,415,645	5,354,849	6,318,920	7,120,484	7,778,813
Trust Fund	858,899	578,650	504,793	479,892	1,049,772
Remitted to State	0	106	260	1,243,043	1,763,760
TOTAL DISBURSED	$11,664,199	$13,359,787	$16,513,474	$18,709,530	$21,117,792

Receipts

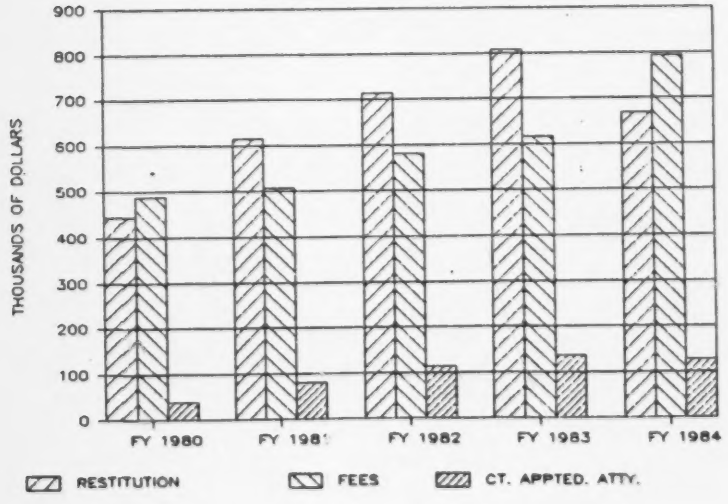
Chart 2, shown below, presents some types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by the offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to its functions of judgment and sentence. The chart below shows a decrease in restitution from fiscal year 1983 to 1984 of $138,379--about a seventeen percent drop.

The "fees" category represents the money paid by the public for services rendered by the court as a part of state government, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, the beginning--of non-criminal court actions (small claims, probate, divorce, etc.). A statutory increase in these filing fees was put into effect at the beginning of fiscal year 1984.

Partly as a result of this legislative change, table 8, on page 24, shows a rise in these fees of $176,382, which is an increase of almost thirty percent over fiscal 1983. This represents a substantial gain in a continuing pattern of growth. This money is paid into the county general fund.

Court-appointed defense attorney fees may be paid initially, by the county or city, for indigent defendants in criminal prosecutions. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes as a condition of probation. The amount of this repayment is shown in the chart below. The slight decrease in the collection of these fees during fiscal year 1984 may be a reflection of money collected by the clerks of court under the state law designated SDCL 23-3-55. This law provides that a portion of costs collected on all criminal convictions be set aside for the payment of these attorneys' fees. See table 10, page 31.

Chart 2. Selected Receipts Compared, Restitution, Fees, Court-Appointed Attorney Repayment



Fines and Costs

Chart 3, on page 27, shows a comparison, by fiscal year, of fines and costs collected for criminal cases. State fines are those assessed for violations of state laws, and city fines are those amounts charged for violation of municipal ordinances.

State fines received are deposited to the school district of the county in which the violation occurred. City fines are divided, with 65% being returned to the city general fund, and 35% to the state general fund.

The liquidated costs figure is derived from the $12.00 added to the fines for conviction of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). Prior to 1983, this amount was 5%, or a minimum of $2.00 on each violation. The increase in revenue is evident on the chart.

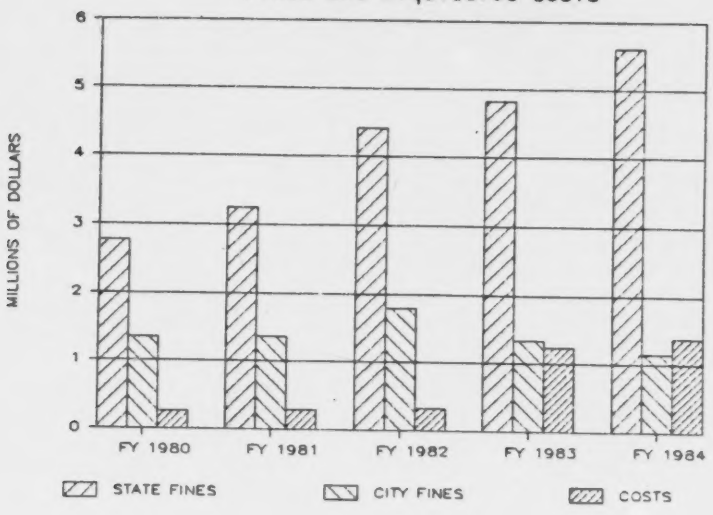
The total disbursement of liquidated costs is divided three ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total, 25% ($346,208) is to be used for law enforcement training; approximately 58% ($803,201) for highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors, Unified Judicial System personnel, and other law enforcement and training purposes. The remaining portion, about 17% ($235,421), is returned to the counties on a percentage basis for the payment of court appointed attorneys representing indigent defendants accused of crimes. This is to be distributed annually by the state treasurer according to SDCL 23-3-55. See table 10 on page 31, for a county-by-county distribution of these funds.

The steady increase in state fines over the five year period is in part a reflection of a parallel increase in DUI filings (see table 18 on page 46). Also, the operation of new truck inspection stations has increased the number of state fines from certain areas of the state (see table 9, on page 28, and chart 4, on page 27). The total increase in fiscal year 1984 over 1983 is $788,564, which is about a 16% rise.

There has been a decline in city fines over the past two fiscal years. This may indicate a reduction in overall violations in municipalities. It may also mean that the local law enforcement officers are finding that more of the offenses in the cities are violations of state law rather than city ordinance. Beginning in fiscal year 1985, the previous municipal offenses of careless driving and exhibition driving can now be filed as state offenses. The result of this could be that state fines may increase still further at the expense of city fines.

The increase in liquidated costs for fiscal year 1984 is $140,376, which represents an 11% rise. If total costs were collected on each case, this would mean that there were 115,403 convictions on which the costs were received for the 1985 fiscal year, as compared with 103,705 in the previous year.

Chart 3. Selected Receipts Compared, Fines and Liquidated Costs



Comparison of State Fines by Circuit

In Table 9 (page 28) and chart 4, total state fine receipts are compared between the first and the last years of the five-year period from fiscal year 1980 to 1984. In the table, the state totals show that the fine receipts have just doubled during the period.

The largest increases statewide over the five-year period are in the first and eighth circuits. This is primarily due to the installation of truck inspection stations in Union County in the first circuit, and in Meade County in the eighth circuit. The increase in Union County has been over $300,000; that of Meade County is over $400,000.

In fiscal 1984, the combined fines of Meade and Lawrence Counties in the eighth circuit produced receipts of $818,228, an amount higher than the entire circuit total of any other circuit except the first.

Chart 4. State Fine Receipts, by Circuit, Comparing Fy 1980 and Fy 1984

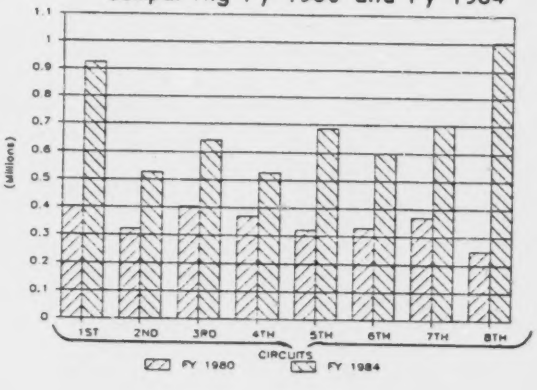


Table 9. State Fine Receipts Compared by County and Circuit

COUNTIES	FY 1980	FY 1984	PERCENT CHANGE
1ST CIRCUIT:			
Bon Homme	$17,631	$24,946	0.41
Charles Mix	63,764	68,613	0.08
Clay	45,711	96,879	1.12
Douglas	11,112	16,575	0.49
Hutchinson	19,249	45,150	1.35
Lincoln	43,659	98,763	1.26
Turner	23,770	16,450	-0.31
Union	81,281	382,240	3.70
Yankton	95,256	174,814	0.84
TOTAL	$401,433	$924,430	1.30
2ND CIRCUIT:			
Minnehaha	$323,205	$526,956	0.63
3RD CIRCUIT:			
Beadle	$111,431	$135,093	0.21
Brookings	64,100	146,952	1.29
Clark	12,405	32,096	1.59
Codington	92,526	146,445	0.58
Deuel	14,625	31,302	1.14
Grant	42,472	45,143	0.06
Hamlin	11,799	33,505	1.84
Hand	32,165	31,128	-0.03
Kingsbury	23,165	40,222	0.74
TOTAL	$404,688	$641,886	0.59
4TH CIRCUIT:			
Aurora	$27,368	$24,747	-0.10
Brule	40,375	75,548	0.87
Buffalo	593	3,322	4.60
Davison	139,427	145,991	0.05
Hanson	14,162	18,409	0.30
Jerauld	6,509	31,388	3.82
Lake	36,959	38,525	0.04
Mc Cook	46,809	71,450	0.53
Miner	8,979	19,943	1.22
Moody	32,776	76,315	1.33
Sanborn	16,666	21,424	0.29
TOTAL	$370,623	$527,062	0.42

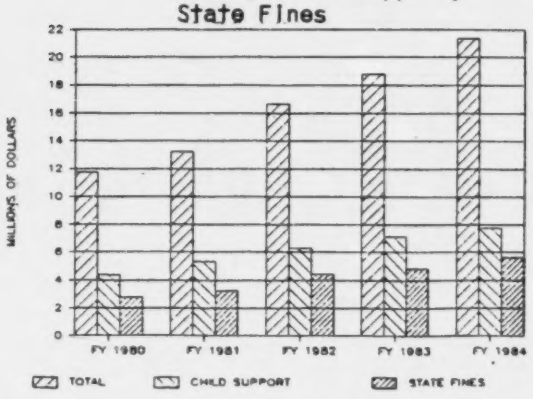
COUNTIES	FY 1980	FY 1984	PERCENT CHANGE
5TH CIRCUIT:			
Brown	$98,341	$206,771	1.10
Campbell	4,449	12,988	1.92
Day	25,988	53,220	1.05
Edmunds	24,487	42,964	0.75
Faulk	15,804	23,922	0.51
Marshall	24,823	32,411	0.31
Mc Pherson	3,035	5,096	0.68
Roberts	40,595	176,509	3.35
Spink	35,543	60,903	0.71
Walworth	49,162	71,743	0.46
TOTAL	$322,227	$686,527	1.13
6TH CIRCUIT:			
Bennett	$23,732	$31,200	0.31
Gregory	20,299	26,935	0.33
Haakon	12,994	17,870	0.38
Hughes	47,869	149,245	2.12
Hyde	4,929	9,519	0.93
Jackson	55,226	59,390	0.08
Jones	31,780	22,166	-0.30
Lyman	36,534	79,401	1.17
Mellette	3,757	4,829	0.29
Potter	15,015	28,606	0.91
Stanley	20,709	46,500	1.25
Sully	8,580	22,301	1.60
Tripp	48,788	101,772	1.09
TOTAL	$330,212	$599,734	0.82
7TH CIRCUIT:			
Custer	$42,852	$76,058	0.77
Fall River	43,591	74,298	0.70
Pennington	22,557	30,621	0.36
Rapid City	261,043	522,385	1.00
TOTAL	$370,043	$703,362	0.90
8TH CIRCUIT:			
Butte	$26,248	$67,421	1.57
Corson	8,025	21,959	1.74
Dewey	6,823	14,861	1.18
Harding	11,982	51,555	3.30
Lawrence	114,719	351,013	2.06
Meade	64,806	467,215	6.21
Perkins	11,817	22,645	0.92
Ziebach	4,956	8,691	0.75
TOTAL	$249,376	$1,005,360	3.03
STATE TOTALS	$2,771,807	$5,615,317	1.03

Total Receipts

In Chart 5, total court receipts are shown continuing the rising pattern that has been evident for the past five years. The clerk of court offices now handle almost double the total amount of money that they did five years ago.

Child support payments, the largest single component of receipts processed by the clerks' offices, show a similar trend, increasing over 75% in the same period. State fines, shown in a previous chart, are presented for perspective, because this is the second highest single category of receipts.

Chart 5. Selected Receipts Compared, Total, Child Support, State Fines



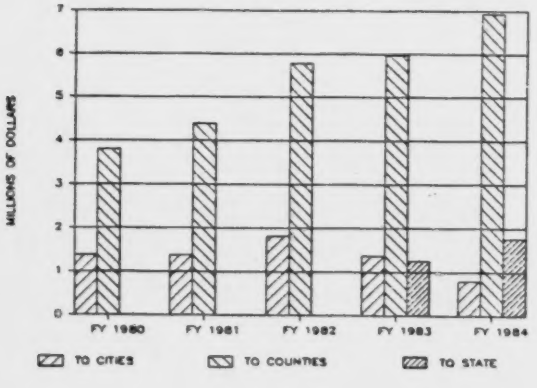
Disbursements

Chart 6 shows court disbursements of funds to the state and its subdivisions. Funds remitted to counties, which show a substantial increase over the five year period, include state fine amounts returned for school districts in accordance with Article VIII, Section 3 of the South Dakota Constitution.

The decrease in disbursements to cities in the past two years is partly because city fines have declined, and partly because the court system has been remitting 35% of the city fine receipts directly to the state during that time. Prior to fiscal year 1983, the city was responsible for sending the state's portion of their receipts into the state general fund.

This change in accounting procedure is also part of the reason for the sudden increase in state remittances shown in fiscal year 1983 and 1984. The other reason for the increase in disbursements to the state is that the liquidated costs are also sent by the court system directly to the state treasurer.

Chart 6. Selected Disbursements Compared



Court Appointed Attorney Costs

Table 10, page 31, shows costs and repayment for court-appointed attorneys and public defenders. Chart 7 is a graphic summary of the cost and repayment by circuit. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of indigent persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public defender.

In other counties, individual judges appoint attorneys to defend the indigent defendants on a more or less random basis. Repayment policies are the same for both types of county. Generally, the defendant is always expected to repay, or be responsible for, the cost of the court-appointed attorney, whether or not he is convicted. If repayment is not made, the county may file a lien against the defendant for the court-appointed attorney cost.

The data on Table 11, page 32, shows an approximate average cost to the county for each court-appointed attorney case. This is done by dividing the total payment for fiscal year 1984 by the total number of court appointment cases for calendar year 1983. The six month difference will create a slight discrepancy between the totals, but the approximate result should be reasonably accurate.

Table 11 also shows the percent of total class-one misdemeanor and felony filings that result in court appointment of an attorney. The state average is that 21%, or about one out of five, of such filings result in the appointment of an attorney at county expense. The public defender system in Minnehaha County appears to be among the most cost efficient, since it shows a relatively high percentage of court-appointed cases, and a relatively low cost per case.

Chart 7. Court Appointed Attorney Repayment, by Circuit

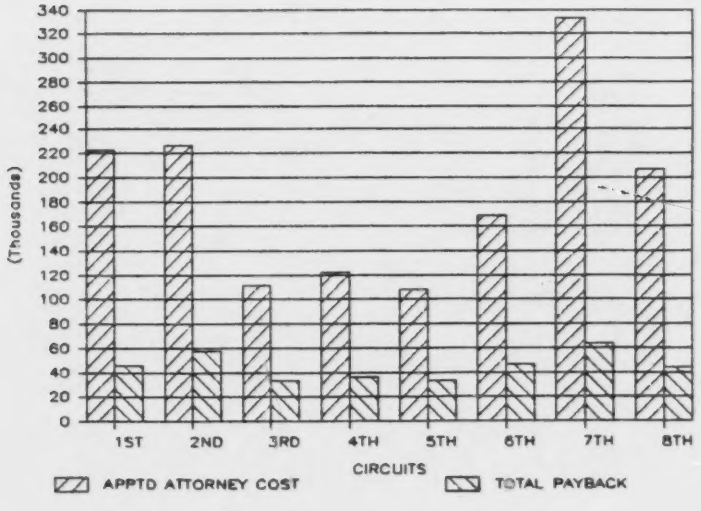


Table 10. County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIRST CIRCUIT:				
BON HOMME	$7,833	$1,210	0	15%
CHARLES MIX	37,860	5,815	350	16%
CLAY	24,968	3,855	3,343	29%
DOUGLAS	3,598	555	0	15%
HUTCHINSON	2,508	387	100	19%
LINCOLN	70,822	10,905	726	16%
TURNER	2,081	321	815	55%
UNION	16,672	2,574	1,166	22%
YANKTON	56,807	8,787	5,142	24%
TOTAL	$222,845	$34,411	$11,642	21%
MINNEHAHA	$226,477	$34,972	$22,349	25%
THIRD CIRCUIT:				
BEADLE	$27,996	$4,323	$4,286	31%
BROOKINGS	19,816	3,060	2,787	29%
CLARK	893	138	788	104%
CODINGTON	42,449	6,555	4,386	26%
DEUEL	11,862	1,832	1,622	29%
GRANT	3,941	609	1,768	60%
HAMLIN	1,838	284	452	40%
HAND	105	16	0	15%
KINGSBURY	2,207	341	170	23%
TOTAL	$111,108	$17,157	$16,239	30%
FOURTH CIRCUIT:				
AURORA	$3,448	$532	$1,214	51%
BRULE	24,992	3,859	3,938	31%
BUFFALO	222	34	0	15%
DAVISON	43,141	6,662	4,508	26%
HANSON	2,895	447	290	25%
JERAULD	3,028	468	200	22%
LAKE	17,265	2,668	5,030	45%
MC COOK	5,484	847	507	25%
MINER	5,352	826	280	21%
MOODY	14,405	2,224	1,050	23%
SANBORN	2,063	319	0	15%
TOTAL	$122,295	$18,884	$17,017	29%

NOTE: THE SDCL 23-3-55 PAYBACK IS 15% FOR EACH COUNTY.

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIFTH CIRCUIT:				
BROWN	$54,337	$8,390	$9,722	33%
CAMPBELL	0	0	0	
DAY	5,908	912	228	19%
EDMUNDS	7,613	1,176	1,111	30%
FAULK	1,166	180	0	15%
MARSHALL	3,764	581	456	28%
MC PHERSON	683	105	0	15%
ROBERTS	23,504	3,629	2,203	25%
SPINK	6,321	976	1,088	33%
WALWORTH	4,930	761	1,291	42%
TOTAL	$108,226	$16,712	$16,097	30%
SIXTH CIRCUIT:				
BENNETT	$11,615	$1,793	$512	20%
GREGORY	30,428	4,698	170	16%
HAAKON	3,641	562	0	15%
HUGHES	69,938	10,800	13,241	34%
HYDE	4,947	764	342	22%
JACKSON	7,062	1,090	1,197	32%
JONES	837	129	584	85%
LYMAN	6,333	978	384	22%
MELLETTE	713	110	386	70%
POTTER	1,848	285	302	32%
STANLEY	8,319	1,285	2,449	45%
SULLY	2,198	339	476	37%
TODD-TRIPP	21,217	3,276	439	18%
TOTAL	$169,092	$26,110	$20,482	28%
SEVENTH CIRCUIT:				
CUSTER	$24,893	$3,813	0	15%
FALL RIVER	34,335	5,302	3,985	27%
PENNINGTON	274,092	42,324	8,374	18%
TOTAL	$333,120	$51,439	$12,339	19%
EIGHTH CIRCUIT:				
BUTTE	$31,985	$4,936	$2,955	25%
CORSON	1,069	165	50	20%
DEWEY	0	0	10	
HARDING	3,755	580	0	15%
LAWRENCE	107,058	16,531	4,402	20%
MEADE	56,996	8,801	4,734	24%
PERKINS	5,987	924	49	16%
ZIEBACH	0	0	0	
TOTAL	$208,830	$31,938	$12,200	21%
STATE TOTALS:	$1,499,993	$231,623	$128,365	24%

The information on this table is provided by the State Treasurer's Office, and there may be slight differences between the repayment figures here and the corresponding figures on Table 7, page 23.

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIRST CIRCUIT:					
BON HOMME	$7,833	14	47	$560	30%
CHARLES MIX	37,660	86	336	438	26%
CLAY	24,968	48	373	543	12%
DOUGLAS	3,596	7	30	514	23%
HUTCHINSON	2,508	7	93	358	8%
LINCOLN	70,622	21	181	3,363	12%
TURNER	2,081	7	47	297	15%
UNION	18,672	22	297	758	7%
YANKTON	58,907	92	582	819	16%
TOTAL	$222,845	302	1,966	$738	15%
SECOND CIRCUIT:	$226,477	975	3,904	$232	25%
THIRD CIRCUIT:					
BEADLE	$27,998	48	383	$583	12%
BROOKINGS	19,816	31	537	639	6%
CLARK	883	7	62	126	11%
CODINGTON	42,449	63	532	674	12%
DEUEL	11,862	17	68	698	25%
GRANT	3,941	19	125	207	15%
HAMLIN	1,839	10	43	184	23%
HAND	105	1	61	105	2%
KINGSBURY	2,207	6	78	368	8%
TOTAL	$111,108	202	1,899	$550	11%
FOURTH CIRCUIT:					
AURORA	$3,448	6	49	$575	12%
BRULE	24,992	72	136	347	53%
BUFFALO	222	0	4	0	0%
DAVISON	43,141	93	437	464	21%
HANSON	2,895	9	29	322	31%
JERAULD	3,028	5	50	606	10%
LAKE	17,265	38	168	454	23%
MC COOK	5,484	15	87	366	17%
MINER	5,352	5	33	1,070	15%
MOODY	14,405	30	153	480	20%
SANBORN	2,063	4	26	516	15%
TOTAL	$122,295	277	1,172	$441	24%
STATE TOTALS:	$1,409,993	3,680	17,798	$409	21%

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIFTH CIRCUIT:					
BROWN	$54,337	127	768	$428	17%
CAMPBELL	0	0	35	0	0%
DAY	5,908	29	143	204	20%
EDMUNDS	7,613	11	88	692	13%
FAULK	1,166	2	30	583	7%
MARSHALL	3,784	9	119	418	8%
MC PHERSON	683	0	12	0	0%
ROBERTS	23,504	84	387	280	22%
SPINK	6,321	6	121	1,054	5%
WALWORTH	4,930	18	230	274	8%
TOTAL	$108,226	286	1,931	$378	15%
SIXTH CIRCUIT:					
BENNETT	$11,615	43	268	$270	16%
GREGORY	30,426	18	70	1,690	26%
HAAKON	3,641	8	33	455	24%
HUGHES	89,938	230	690	304	33%
HYDE	4,947	4	26	1,237	15%
JACKSON	7,062	25	148	282	17%
JONES	837	2	47	419	4%
LYMAN	6,333	14	107	452	13%
MELLETTE	713	14	60	51	23%
POTTER	1,848	20	166	92	12%
STANLEY	8,319	40	126	208	32%
SULLY	2,198	2	44	1,099	5%
TODD-TRIPP	21,217	73	227	291	32%
TOTAL	$169,092	493	2,012	$343	25%
SEVENTH CIRCUIT:					
CUSTER	$24,693	32	273	$772	12%
FALL RIVER	34,335	80	240	429	33%
PENNINGTON	274,092	772	2,416	355	32%
TOTAL	$333,120	884	2,929	$377	30%
EIGHTH CIRCUIT:					
BUTTE	$31,985	37	210	$864	18%
CORSON	1,069	7	38	153	18%
DEWEY	0	0	40	0	0%
HARDING	3,755	1	35	3,755	3%
LAWRENCE	107,058	138	1,091	776	13%
MEADE	56,998	78	438	750	17%
PERKINS	5,987	2	130	2,994	2%
ZIEBACH	0	0	5	0	0%
TOTAL	$206,830	261	1,985	$792	13%

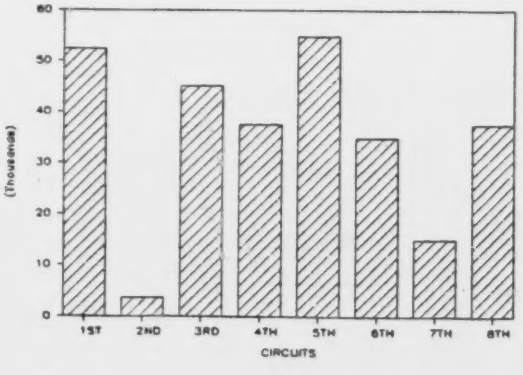
Table 11. Average Cost per Court Appointment

Table 12. Travel Mileage by Circuit Personnel

JUDGE OR MAGISTRATE	MILEAGE
First Circuit:	
Connelly	11,110
Hertz	9,865
Kern	8,634
Tapken	6,722
Cody	5,832
Tappe	4,085
Marmet	3,838
Conklin	2,322
Total	52,408
Second Circuit:	
Hoyme	3,252
Patterson	404
Heuermann	32
Total	3,688
Third Circuit:	
Mydland	12,782
Gullickson	8,657
Ries	6,505
Hoyt	6,207
Bradshaw	4,973
Martin	4,316
Evans	1,766
Total	45,206
Fourth Circuit:	
McMurchie	9,042
Anderst	7,714
Gerken	7,492
Sage	5,760
Wuest	4,735
Jones	2,880
Total	37,623

JUDGE OR MAGISTRATE	MILEAGE
Fifth Circuit:	
Ramynke	14,614
Berndt	11,940
Dobberpuhl	7,720
Evans	7,499
Lovrien	5,363
Glynn	4,590
Olander	3,254
Total	54,980
Sixth Circuit:	
Heck	11,245
Mc Keever	9,693
Miller	5,196
Talbott	4,664
Anderson	2,806
Lee	1,431
Total	35,035
Seventh Circuit:	
Viken	5,760
Davis	3,560
Parker	2,600
Young	2,240
Tice	480
Grosshans	240
Klauck	120
Total	15,000
Eighth Circuit:	
Tschetter	13,197
Moses	7,965
Johnson	5,937
Mueller	4,590
Severns	4,062
Johns	912
Hoggatt	846
Total	37,509

Chart 8. Mileage Comparison by Circuit



Travel by Circuit Personnel

Table 12 and chart 8 show the mileage traveled by the judges and magistrates throughout the state as they perform their court duties. The table lists each of the bench personnel by circuit in the order of the most miles travelled. The chart shows the totals by circuit. On page 34, following, the second part of this table presents the mileage for court services officers, also by circuit.

Mileage by Court Services Officers: FY 1984

OFFICER	MILEAGE
First Circuit:	
Lehr	14,162
McCabe	13,800
Sondgeroth	8,204
Nelson	5,304
Hall	3,763
McNeely	3,246
Foltz	2,767
Total	51,246
Second Circuit:	
Murphy	3,705
Wildes	2,975
Weber	2,594
LeMair	2,116
Bahnson	1,614
Tracy	1,572
Hurtgen	1,132
Kelso	734
Jacqua	608
Hansen	543
Short	523
Welsenburger	96
Battista	52
Total	18,264
Third Circuit:	
Danforth	5,905
Payne	3,794
Brenden	3,080
Mead	2,980
Neuberger	2,923
Stene	2,293
Kjellsen	2,062
Goldsmith	1,834
Breci	542
Mielke	439
Total	25,852
Fourth Circuit:	
Fraser	5,875
Hildebrand	5,859
Janssen	5,169
Ibis	4,402
Johnson	4,135
Rager	3,674
Jares	612
Adair	321
Total	30,047
Fifth Circuit:	
Stanford	14,140
Simons	11,854
Brumbaugh	7,382
Chase	5,082
Mellus	4,176
Total	42,634
Sixth Circuit:	
Bonenberger	18,348
Saffel	15,234
Bennett	13,218
Parkinson	12,027
Olson	7,739
McTighe	3,810
Total	70,376
Seventh Circuit:	
Nagel	16,602
Krosschell	6,034
LaPointe	3,119
Spencer	2,003
Fauss	1,877
Strackbein	1,483
Cadwell	764
Raue	631
Total	32,513
Eighth Circuit:	
Oehlerking	21,484
Hanson	10,664
Vodopich	4,548
Meyer	2,900
Pray	1,954
Total	41,550
State Total	312,855

Table 13. Comparison of Court Services Activities

SERVICE CATEGORY	First Circuit		Second Circuit		Third Circuit		Fourth Circuit		Fifth Circuit		Sixth Circuit		Seventh Circuit		Eighth Circuit		State Totals	
	FY83	FY84	FY83	FY84	FY83	FY84	FY83	FY84	FY83	FY84	FY83	FY84	FY83	FY84	FY83	FY84	FY83	FY84
Juvenile Services:																		
Counsel and Release	33	29	830	1217	55	13	2	0	2	8	187	310	68	42	49	42	1259	1661
Preliminary Investigations	230	350	812	1742	154	74	0	3	0	3	14	13	42	17	3	2	1055	2204
90-Day Diversion Services	204	252	91	128	150	171	97	97	18	15	52	73	104	85	67	76	784	897
Prehearing Investigations	84	81	248	347	70	37	83	59	82	54	124	72	108	132	7	14	776	806
90-Day Informal Adjustments	33	21	1	13	27	171	2	1	0	0	7	5	10	3	0	0	88	214
Placed on Probation	113	105	122	158	133	93	83	79	194	152	77	49	114	113	55	40	891	789
On Probation at End of FY	119	135	110	131	59	60	56	66	138	128	75	60	104	104	67	45	728	731
Sucess Rate Percentage	95.25	90.64	92.81	87.37	93.27	85.76	94.98	88.47	85.81	73.93	95.68	95.50	94.47	85.84	94.87	88.17	93.41	88.17
Adult Service, Misdemeanor:																		
PSI Reports	108	118	15	39	55	25	80	58	6	8	18	11	1387	1403	2	3	1651	1665
Placed on Probation	75	86	55	39	146	150	98	35	20	15	24	31	47	115	20	37	485	508
Active Probationers, End FY	51	86	58	43	91	88	102	81	9	17	38	26	49	89	24	30	422	440
Adult Service, Felony:																		
PSI Reports	35	38	128	111	132	77	59	65	50	35	80	50	136	132	33	37	653	545
Placed on Probation	83	61	103	105	124	77	49	39	72	80	63	38	91	87	52	80	637	568
Active Probationers, End FY	132	140	222	242	153	110	93	81	126	140	104	95	162	135	89	131	1081	1074
90-Day Case Monitoring Program																		
Placed in Programs	64	65	60	3	468	159	42	8	9	126	17	13	1386	1847	0	4	2046	2025
Active Cases, End FY	13	14	2	1	141	120	8	0	0	7	1	0	210	345	0	2	375	489
Domestic Relations Cases:																		
Divorce Custody Investigations	11	4	14	20	1	1	5	2	1	0	17	3	9	4	0	0	58	34
Custody Visitation Monitoring	0	0	0	0	0	0	0	1	0	0	7	0	0	0	0	0	7	1
Adoption Investigations	8	3	0	0	0	0	1	0	0	0	0	1	0	0	0	0	9	4
Divorce Custody Mediations														36				36

2

CIVIL AND CRIMINAL CASELOAD DATA

Table 14. Civil Caseload by County
Fiscal Year 1984

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER FILINGS	ADMIN. APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIRST CIRCUIT:																				
BON HOMME	21	41	0	3	5	5	17	11	10	3	3	273	11	262	68	1	0	4	3	13
CHARLES MIX	75	24	0	4	4	1	21	33	11	3	8	258	23	211	59	3	3	9	2	24
CLAY	32	78	1	0	2	1	109	51	0	1	42	370	40	297	68	4	13	9	0	28
DOUGLAS	4	58	2	0	0	0	48	10	0	0	4	242	0	218	55	1	2	5	0	8
HUTCHINSON	18	48	2	4	0	2	20	8	7	0	1	185	7	178	88	3	2	8	0	1
LINCOLN	55	102	1	8	8	5	205	30	4	0	31	257	23	198	107	8	3	13	0	17
TURNER	29	61	1	1	4	8	83	28	2	2	20	187	23	137	88	2	0	7	0	11
UNION	48	99	5	19	18	3	117	53	27	11	31	222	27	58	83	9	0	8	1	12
YANKTON	27	152	3	50	12	3	22	48	48	0	20	374	27	166	79	12	156	19	12	42
TOTAL	309	659	15	89	51	28	620	270	107	20	159	2346	181	1727	694	41	179	82	18	156
SECOND CIRCUIT:	1558	1188	35	432	128	31	2845	681	315	65	564	2158	511	1614	498	101	117	139	65	402
THIRD CIRCUIT:																				
BEADLE	59	155	2	23	9	3	234	78	1	7	59	568	78	619	124	7	9	15	1	33
BROOKINGS	78	203	4	11	2	4	194	91	7	10	89	1064	138	983	122	15	4	14	7	82
CLARK	10	22	0	3	0	0	41	17	1	0	9	127	24	102	23	2	1	4	0	7
CODINGTON	46	58	7	52	12	7	282	97	28	26	102	898	91	421	128	15	6	21	3	88
DEUEL	24	31	0	3	0	1	20	15	6	1	6	161	14	132	47	2	0	5	0	1
FAULK	0	18	0	0	0	0	9	8	0	0	6	25	3	22	11	3	0	2	1	10
GRANT	34	51	0	1	8	0	65	32	9	8	13	144	9	230	78	7	1	10	0	20
HAMLIN	15	18	0	0	0	0	29	4	0	2	5	93	3	89	41	3	0	1	0	5
HAND	21	38	1	8	2	0	42	13	1	8	0	140	7	141	37	8	3	7	0	8
KINGSBURY	38	17	2	21	3	1	32	12	10	0	18	127	18	129	82	1	2	4	1	4
SPINK	20	17	0	8	0	0	0	15	3	11	1	78	5	74	29	3	0	5	1	5
TOTAL	344	627	18	130	36	18	948	382	66	73	306	3423	386	2942	700	66	26	88	14	283
FOURTH CIRCUIT:																				
AURORA	10	18	2	11	0	0	25	12	5	1	4	71	7	53	40	0	1	5	1	8
BRULE	8	73	0	0	0	0	50	29	11	1	8	190	12	221	38	5	8	4	5	24
BUFFALO	3	8	0	0	0	0	0	0	0	0	0	11	0	10	0	0	0	0	0	0
DAVISON	118	120	3	17	8	2	114	87	30	17	11	802	107	697	83	15	11	18	6	65
HANSON	7	3	0	0	0	0	1	5	0	1	1	22	0	12	12	3	0	0	1	0
JERAULD	15	15	0	1	0	3	22	8	0	1	5	92	4	82	19	2	0	2	0	14
LAKE	37	78	0	2	4	0	81	38	3	1	19	382	41	313	286	8	5	15	2	40
MC COOK	28	34	0	0	4	0	33	18	3	2	3	207	18	164	48	2	1	4	1	5
MINER	21	20	3	1	2	0	28	8	2	0	4	89	10	58	37	1	2	0	0	8
MOODY	58	19	0	0	3	0	30	12	2	0	9	172	14	163	50	3	4	7	0	18
SANBORN	14	12	1	1	4	0	25	14	5	2	8	74	7	58	24	8	1	4	0	3
TOTAL	316	399	9	33	23	5	407	205	81	26	72	2072	219	1829	633	43	33	59	16	181

Table 14. Civil Caseload by County
Fiscal Year 1984

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER ADMIN. FILINGS	APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIFTH CIRCUIT:																				
BROWN	380	536	14	100	48	3	736	207	92	48	248	1015	117	882	209	20	23	31	28	192
CAMPBELL	2	14	0	0	0	0	16	8	3	2	1	69	0	53	21	0	0	3	0	0
DAY	55	67	2	26	14	0	80	23	9	7	4	355	54	309	65	8	0	14	2	36
EDMUNDS	22	32	2	1	0	0	36	16	1	1	9	47	1	46	34	3	2	7	0	2
FAULK	2	16	0	2	0	0	12	8	0	1	2	38	4	34	16	4	0	2	0	3
MARSHALL	0	36	0	2	8	0	27	16	8	1	14	105	8	105	37	3	1	8	0	8
MC PHERSON	14	31	0	4	2	0	24	8	4	0	3	49	3	45	35	0	0	3	0	3
ROBERTS	42	40	1	8	5	2	42	33	0	2	25	148	13	123	68	2	1	11	0	45
SPINK	35	23	1	11	1	7	78	17	11	4	11	115	7	109	28	2	11	3	2	3
WALWORTH	63	36	2	7	3	0	87	27	7	1	17	162	13	125	50	4	5	4	1	16
TOTAL	615	834	22	162	78	12	1120	381	135	68	334	2100	220	1831	585	44	43	84	31	309
SIXTH CIRCUIT:																				
BENNETT	11	26	0	11	0	2	55	9	6	2	0	139	8	125	16	0	0	0	0	14
GREGORY	22	110	5	9	3	3	98	41	1	0	35	590	48	507	99	4	1	8	0	16
HAAKON	9	23	1	1	1	0	7	11	2	0	8	86	5	68	18	0	1	4	0	4
HUGHES	56	202	52	139	16	6	181	68	17	3	48	703	77	786	47	8	5	20	6	53
HYDE	13	8	0	0	0	0	13	5	0	1	1	124	8	108	16	3	1	10	0	8
JACKSON	9	6	0	0	0	0	7	11	0	0	6	20	1	17	19	0	1	2	0	2
JONES	8	8	0	0	0	1	8	7	0	0	0	90	8	80	5	1	1	2	0	2
LYMAN	0	67	8	8	6	2	32	16	5	4	7	106	16	73	27	1	2	5	0	21
MELLETTE	16	23	1	2	2		23	5	2	1	4	15	4	14	13	0	0	0	0	11
POTTER	16	26	1	5	1	1	24	6	1	0	3	75	7	60	34	2	0	5	2	3
STANLEY	7	50	1	11	7	1	58	9	3	1	10	130	19	134	10	1	0	0	1	10
SULLY	5	26	2	2	1	0	5	8	0	2	4	64	2	51	13	0	0	3	0	0
TODD-TRIPP	66	113	0	0	0	0	45	38	5	0	15	178	23	98	47	0	2	1	1	34
TOTAL	259	694	72	188	37	16	537	238	42	14	139	2318	226	2123	384	20	14	60	10	178
SEVENTH CIRCUIT:																				
CUSTER	179	30	3	13	2	0	32	58	23	1	25	119	20	62	35	8	5	8	5	30
FALL RIVER	4	132	7	41	16	4	108	47	0	0	39	291	40	234	78	13	11	8	2	27
PENNINGTON	402	1017	21	124	22	9	847	844	19	10	469	3173	330	2692	298	63	17	58	68	240
TOTAL	585	1179	31	178	40	13	987	750	42	11	533	3583	390	2988	402	82	33	72	75	297
EIGHTH CIRCUIT:																				
BUTTE	37	121	1	0	0	4	58	48	0	0	45	201	2	140	41	7	8	9	1	20
CORSON	12	33	0	1	0	1	29	13	9	1	4	75	12	57	31	3	0	1	0	0
DEWEY	18	39	10	4	5	0	19	12	0	1	12	73	14	60	11	1	0	1	1	8
HARDING	6	18	0	3	1	1	11	5	4	0	0	23	1	19	25	2	0	1	0	1
LAWRENCE	116	257	21	28	12	1	250	118	3	5	94	576	89	539	72	7	11	13	1	47
MEADE	28	165	8	30	27	2	79	100	58	13	98	225	38	229	102	18	30	15	6	28
PERKINS	4	22	4	0	2	0	18	20	0	0	10	52	0	54	34	2	2	2	2	2
ZIEBACH	21	0	0	0	0	1	0	1	1	0	0	34	0	0	22	0	0	0	0	0
TOTAL	242	655	44	68	47	10	483	318	73	20	263	1259	158	1098	338	40	49	42	11	108
STATE TOTALS	4227	8218	244	1278	438	129	7827	3218	841	297	2388	19259	2286	16152	4192	437	494	828	240	1891

Table 15. Criminal Caseload by County
Fiscal Year 1984

COUNTIES	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEAS	DISMISSALS	TRIALS	FILINGS	PRELIM. HRGS.	GUILTY PLEAS	DISMISSALS	TRIALS COURT	TRIALS JURY	FILINGS	PRELIM. HRGS.	GUILTY PLEAS	DISMISSALS	TRIALS COURT	TRIALS JURY
FIRST CIRCUIT:																	
BON HOMME	4	441	408	4	9	42	9	33	2	4	1	5	2	3	0	1	2
CHARLES MIX	17	1090	947	70	25	295	20	224	53	1	1	41	19	12	10	1	4
CLAY	8	1848	1593	20	30	310	38	280	2	8	5	83	17	53	7	0	2
DOUGLAS	2	474	443	20	1	28	6	21	3	0	0	2	1	1	5	0	0
HUTCHINSON	3	750	723	12	10	79	9	76	4	0	1	14	2	4	2	0	0
LINCOLN	22	2532	2383	86	42	141	29	118	25	4	1	40	2	2	20	0	2
TURNER	1	613	571	16	8	37	4	35	4	0	1	10	0	1	2	0	1
UNION	25	4296	4177	64	34	259	25	225	21	2	1	38	11	14	8	0	0
YANKTON	23	3175	2985	126	58	493	67	414	53	2	8	88	24	34	22	0	14
TOTAL	103	15019	14218	439	215	1684	228	1436	167	21	17	282	78	124	90	2	25
SECOND CIRCUIT:	384	30982	25843	4881	454	3407	841	2532	514	37	38	487	105	191	217	4	18
THIRD CIRCUIT:																	
BEADLE	18	2475	2184	158	23	332	53	274	27	1	7	81	22	27	10	2	8
BROOKINGS	12	2871	2380	84	40	477	70	410	37	1	3	60	21	23	21	0	4
CLARK	7	439	403	18	8	57	3	42	9	0	1	5	1	2	2	0	2
CODINGTON	61	4322	4142	114	22	458	70	343	78	2	11	78	27	44	25	1	2
DEUEL	4	475	448	4	0	52	11	43	0	0	3	16	8	8	7	0	0
FAULK	1	207	213	0	1	13	2	22	2	0	0	0	0	0	1	0	0
GRANT	7	958	907	11	18	98	12	78	15	2	2	29	9	14	13	0	0
HAMLIN	7	642	626	13	5	38	4	34	4	0	2	7	1	5	2	0	1
HAND	8	602	569	21	4	50	10	37	8	0	2	11	2	0	8	0	0
KINGSBURY	20	727	698	17	8	60	11	53	5	0	1	18	1	4	7	0	0
SPINK	5	611	623	1	2	54	7	61	3	0	5	11	2	9	1	0	1
TOTAL	148	14129	13171	439	127	1683	253	1398	188	8	37	294	94	136	95	3	18
FOURTH CIRCUIT:																	
AURORA	7	513	496	2	1	39	4	24	14	0	2	10	1	2	4	0	2
BRULE	14	1383	1394	26	5	109	26	88	12	0	4	27	11	22	5	0	1
BUFFALO	0	53	53	2	0	4	0	3	0	0	0	0	0	0	0	0	0
DAVISON	8	3242	2956	303	35	352	27	306	60	2	3	85	8	36	60	1	2
HANSON	1	273	202	7	1	26	23	19	3	1	2	1	0	0	1	0	0
JERAULD	16	581	565	11	0	44	0	32	6	0	1	8	0	4	2	0	0
LAKE	18	1923	1776	110	13	142	23	115	12	0	1	26	12	17	11	0	1
MC COOK	4	1220	1280	16	0	77	23	68	8	2	3	10	5	5	4	0	3
MINER	7	352	363	8	2	32	7	24	1	0	0	1	1	0	1	0	0
MOODY	16	1358	1168	99	12	134	34	95	17	0	2	19	12	10	9	0	1
SANBORN	0	487	482	18	1	24	9	18	2	0	1	2	0	0	1	0	0
TOTAL	99	11373	10712	600	70	985	176	790	135	5	19	187	50	98	98	1	10

Table 15. Criminal Caseload by County
Fiscal Year 1984

COUNTIES	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEAS	DISMISSALS	TRIALS	FILINGS	PRE-LIM. HRGS.	GUILTY PLEAS	DISMISSALS	TRIALS COURT	TRIALS JURY	FILINGS	PRE-LIM. HRGS.	GUILTY PLEAS	DISMISSALS	TRIALS COURT	TRIALS JURY
FIFTH CIRCUIT:																	
BROWN	50	5153	4633	429	86	604	58	480	148	4	3	184	50	97	73	0	3
CAMPBELL	1	192	178	9	0	35	12	29	4	2	0	0	0	0	0	0	0
DAY	1	1022	981	40	13	131	16	128	11	0	2	12	2	10	8	0	0
EDMUNDS	8	953	916	21	3	70	8	66	7	1	1	16	1	3	8	0	2
FAULK	0	251	237	1	0	18	0	11	0	0	0	1	0	0	0	0	0
MARSHALL	0	403	320	42	4	93	4	83	15	0	2	26	0	15	10	0	0
MC PHERSON	1	102	101	2	2	11	0	9	1	0	0	1	0	1	1	0	0
ROBERTS	7	2348	2088	192	8	320	23	260	44	2	0	67	12	40	24	0	2
SPINK	2	498	443	29	1	48	6	27	1	0	0	8	0	2	0	0	0
WALWORTH	8	1202	1101	77	9	210	17	204	10	0	0	20	2	11	4	0	1
TOTAL	78	12020	10855	832	126	1538	144	1277	241	9	8	315	87	189	126	0	8
SIXTH CIRCUIT:																	
BENNETT	8	913	883	83	10	229	15	58	36	3	4	40	8	7	10	0	0
GREGORY	0	482	438	17	8	88	14	53	7	0	0	4	1	0	4	0	2
HAAKON	1	258	258	15	2	29	27	25	2	0	3	4	3	4	2	0	0
HUGHES	18	2788	2390	304	107	588	168	455	53	22	10	91	57	41	31	1	5
HYDE	0	180	174	3	5	24	4	15	2	0	1	2	0	1	1	0	0
JACKSON	1	1153	1108	13	1	131	12	50	11	1	7	17	4	8	8	0	1
JONES	3	481	444	7	2	38	8	34	5	2	1	8	2	4	5	0	0
LYMAN	4	1321	1287	12	3	100	10	80	5	0	2	7	0	2	4	0	1
MELLETTE	0	212	158	22	2	37	4	13	1	0	0	23	8	4	3	0	0
POTTER	0	432	385	40	0	148	12	70	7	0	1	17	1	3	4	0	1
STANLEY	0	658	632	28	8	111	22	85	4	1	0	15	8	10	8	0	2
SULLY	3	328	324	13	5	42	15	40	3	0	2	2	1	1	0	0	0
TODD-TRIPP	25	1300	1257	108	8	173	48	132	38	1	11	54	20	19	18	1	5
TOTAL	59	10462	9538	883	160	1727	361	1120	174	30	42	286	112	102	85	2	17
SEVENTH CIRCUIT:																	
CUSTER	19	1484	1410	42	7	238	29	181	20	0	2	37	8	8	11	1	2
FALL RIVER	5	1188	1088	158	18	195	38	135	48	3	4	48	13	17	14	0	4
PENNINGTON	1	415	354	21	2	18	15	13	3	0	2	188	90	111	48	0	12
RAPID CITY	488	20435	18478	3388	192	1981	488	1338	287	1	12	231	37	17	81	0	0
TOTAL	481	23482	19323	3614	220	2430	538	1638	358	4	20	488	148	154	185	1	18
EIGHTH CIRCUIT:																	
BUTTE	3	884	802	23	4	173	54	144	14	4	0	37	13	15	8	0	1
CORSON	0	272	282	8	4	30	8	17	3	0	3	8	4	1	3	0	0
DEWEY	1	382	318	87	0	38	3	30	2	0	0	4	2	2	0	0	0
HARDING	19	828	582	11	1	34	11	24	4	0	2	1	1	1	0	0	0
LAWRENCE	48	3482	2972	181	32	957	44	882	100	7	11	134	11	82	38	1	8
MEADE	55	5338	5178	221	23	384	71	318	32	0	5	42	15	13	24	1	4
PERKINS	1	402	381	10	2	110	24	48	8	0	0	20	8	5	3	0	1
ZIEBACH	1	228	217	8	1	4	1	4	0	0	0	1	0	1	0	0	0
TOTAL	128	11577	10888	508	87	1738	214	1278	181	11	21	247	82	100	75	2	12
STATE TOTALS:	1478	128044	114158	11987	1438	15182	2883	11488	1838	123	202	2908	784	1072	981	18	122

Table 16. Civil Caseload Summary

CIVIL ACTION CATEGORY	FY 1980	FY 1981	FY 1982	FY 1983	FY 1984
CIVIL Filings	9,255	9,162	10,072	11,100	10,686
Defaults	5,984	6,731	6,754	7,188	7,927
Trials & Disp. Hearings	1,077	1,327	1,393	1,726	1,843
DIVORCE Filings	3,518	3,544	3,330	3,208	3,216
Defaults	2,642	2,605	2,634	2,608	2,369
Contested	762	787	778	1,134	1,138
SMALL CLAIMS Filings	16,432	17,999	17,391	18,942	19,259
Defaults	11,841	14,480	14,383	15,763	16,152
Contested	2,119	2,067	2,167	2,275	2,288
MISCELLANEOUS Filings	7,767	7,496	7,219	7,683	7,640
Probate	4,223	3,956	4,002	3,986	4,192
Adoption	516	487	458	523	437
Mental Illness	599	592	546	578	494
Guardianship	596	581	649	605	626
Juvenile Petitions	1,833	1,880	1,564	1,991	1,891

Civil Caseload

Table 16, above, shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported and shown. In the miscellaneous categories, only filings are reported. If there is a dispute over a miscellaneous filing, it will be filed as a civil contest.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as a civil contest. There are still some problems in the civil case reporting process. The reporting system is not automated. The data are compiled manually, and the process of reporting and compilation is not consistent from circuit to circuit.

The clerks must generally rely on court reporters or judges to provide them with important reporting data. They are not always fully informed, for example, whether dispositions are made by bench trial or by hearing. Also, child custody hearings have not been reported consistently throughout the state.

Chart 9. Civil Filings: Civil Actions, Divorce, Small Claims,-Misc.

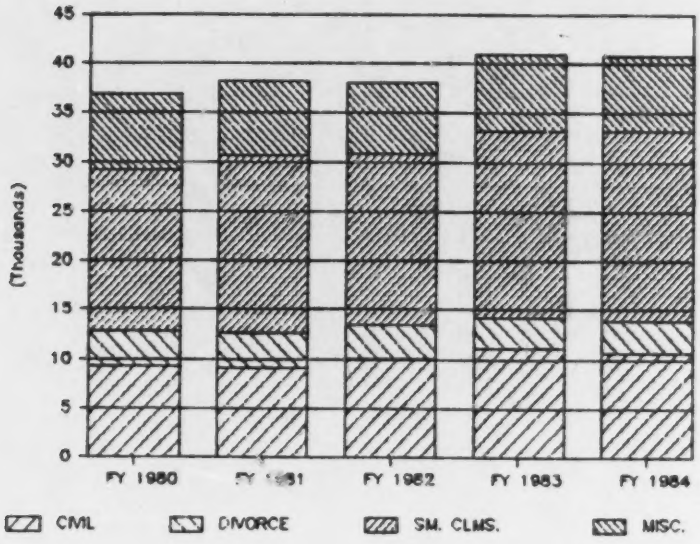


Chart 9, which illustrates total civil filings, shows that the number of such filings has changed very little from fiscal year 1983 to 1984. There was a marked increase from 1982 to 1983. The juvenile petitions reported under the miscellaneous heading are those filed and compiled through the clerks offices. There is, in addition to this, a separate computerized reporting system for juvenile filings. That system is processed through the court services offices

Civil Actions

The number of civil lawsuit filings, as shown in Chart 10, has declined slightly during the past fiscal year, while dispositions have increased. The marked increase in the "defaults" category, which includes dismissals, probably reflects the impact of a Supreme Court order to permit dismissal of civil cases that remain inactive for over a year. This procedure helps to adjust the data for those cases that are filed and never reported as disposed, as in the case of some settlements and lawsuits that are informally dropped.

In fiscal years 1983 and 1984, trials and dispositional hearings are reported separately. They are combined here in order to make them comparable with previous years.

The number of small claims filings as distiguished from general civil contests, above, is shown in Chart 11. This number has increased very slightly during the past fiscal year, as has the "defaults" category. The number of contested small claims cases has remained fairly stable during the five-year period shown.

Filings and defaults of divorce, annulment, and separation cases are shown in Chart 12. These are also not included in the number of general civil contests shown in Chart 10. There have been some inaccuracies in the reporting of these data because there are some counties that report requests to modify child custody as new divorce cases. These discrepancies should be resolved within the next fiscal year.

Chart 10. Civil Action Filings and Dispositions

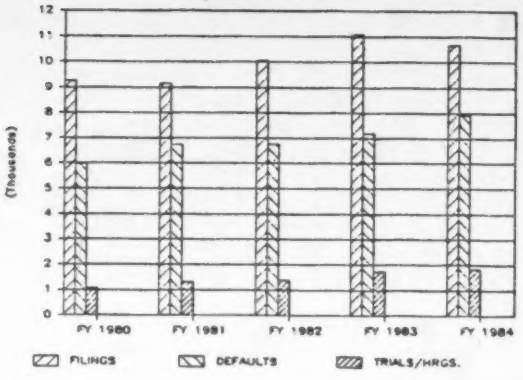


Chart 11. Small Claims Actions

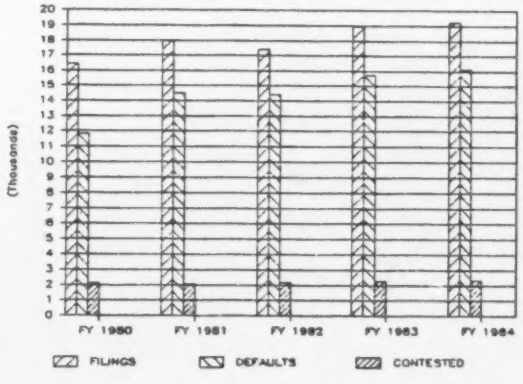


Chart 12. Marriage Dissolution Filings and Defaults

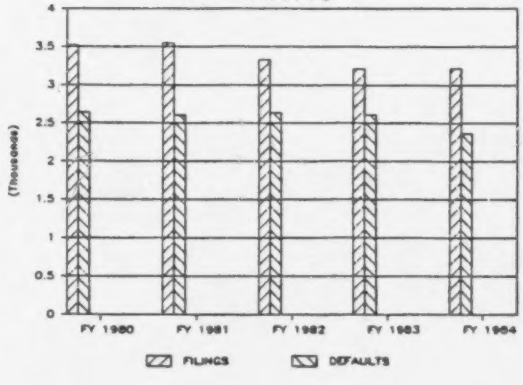


Table 17. Criminal Caseload Summary

CATEGORY	FY 1980	FY 1981	FY 1982	FY 1983	FY 1984
CLASS-TWO MISDEMEANOR					
Filings	115,829	126,974	122,327	122,364	130,520
Guilty Pleas	106,006	117,127	110,503	108,520	114,158
Dismissals	7,854	7,954	10,852	11,523	11,967
Trials	2,513	2,288	2,710	2,601	1,439
Suspended Impositions	150	302	394	380	318
Speeding Offenses		66,531	58,227	56,370	61,243
CLASS-ONE MISDEMEANOR					
Filings	8,757	9,258	10,218	12,897	15,192
Preliminary Hearings	1,169	1,253	1,616	1,634	2,553
Guilty Pleas	6,624	7,099	8,134	9,943	11,469
Dismissals	1,304	1,340	1,417	1,572	1,936
Court Trials	221	272	281	225	123
Jury Trials	173	177	160	215	202
Suspended Impositions	85	179	430	802	848
DUI Offenses	4,357	4,720	6,031	8,482	10,196
FELONY					
Filings	2,809	2,846	2,921	2,741	2,606
Preliminary Hearings	785	583	1,005	793	704
Guilty Pleas	1,270	1,368	1,633	1,635	1,053
Dismissals	1,089	1,082	1,046	1,038	900
Court Trials	26	39	36	29	14
Jury Trials	153	188	165	133	109
Suspended Impositions	288	310	410	404	387

Criminal Caseload

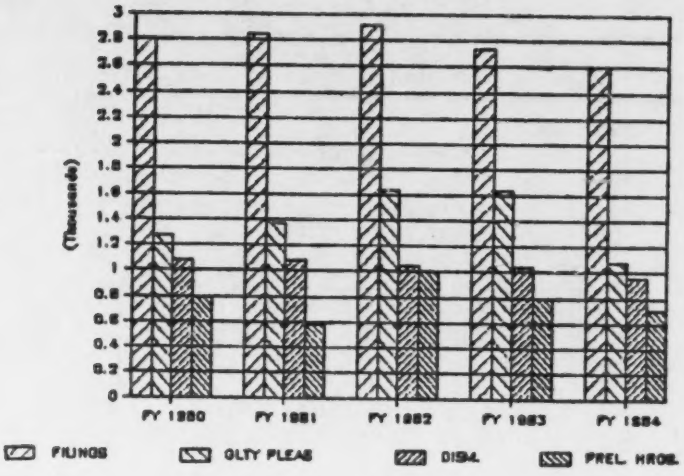
Table 17 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. Petty offenses, which are technically civil cases, are included in the main category of class-two misdemeanor filings. Speeding violations (filings) are shown separately, but are also included in all the preceding totals for class-two misdemeanors. Speeding violations comprise about half of these.

Class-two misdemeanors include most traffic offenses. The non-traffic offenses in this category include, among a wide range of other violations, certain drug charges, prostitution, and bad check offenses involving $100 or less.

Like the speeding offense statistics, the number of DUI filings shown in the table are included in the class-one misdemeanor filing and dispositional information. DUI violations here include both first and second time offenders as charged by the state's attorney. The third offense DUI is a felony. (Table 18 contains complete DUI data).

Selected information from the table above, comparing data for the period of five fiscal years, is shown on the charts that follow.

Chart 13. Felony Caseload



Criminal Caseload

The felony caseload summary in Chart 13 shows that felony filings have been decreasing slightly in the past two fiscal years. Guilty pleas seem to have been sharply reduced during the past fiscal year, while the number of felony trials, shown on Chart 14, has risen slightly.

The number of class-one misdemeanor trials, also presented on Chart 14,

Chart 14. Felony and Class-One Misdemeanor Trials

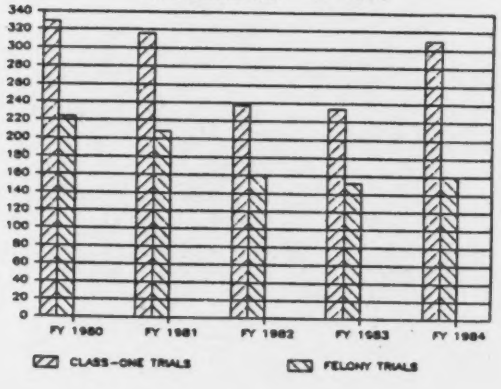
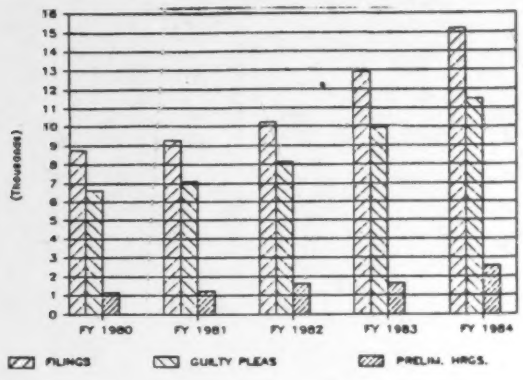


Chart 15. Class-One Misdemeanor



shows a marked increase during fiscal year 1984, ending the declining trend of the previous years. The decrease of these past years would not have been expected because class-one filings during that time have shown, (Chart 15) a steady and substantial increase.

These trial data indicate that there has been a sharp increase in the number of defendants who choose to take their cases to trial. This may be related to the information in Table 18, on page 46, which shows that acquittals at trial for DUI misdemeanor cases have increased by over 300% during the past two fiscal years.

Also, in Chart 15, the ratio of guilty pleas to filings of class-one misdemeanors has remained fairly stable over the five-year period shown. The same appears to be true of the ratio of DUI class-one misdemeanor offenses to total class-one filings, as presented in Chart 16.

Chart 16. Class-One Misdemeanor and DUI Filings

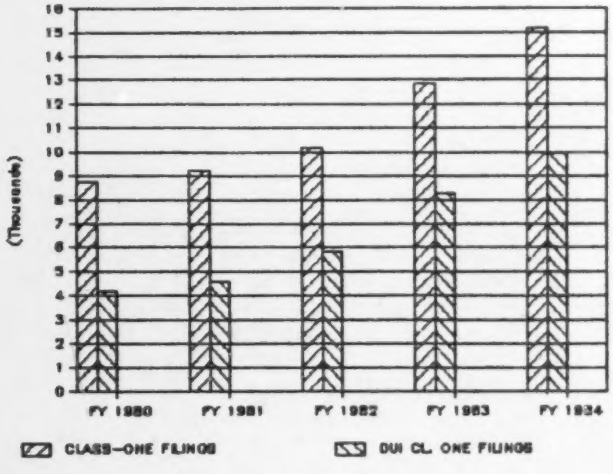


Table 18. DUI Violations Summary

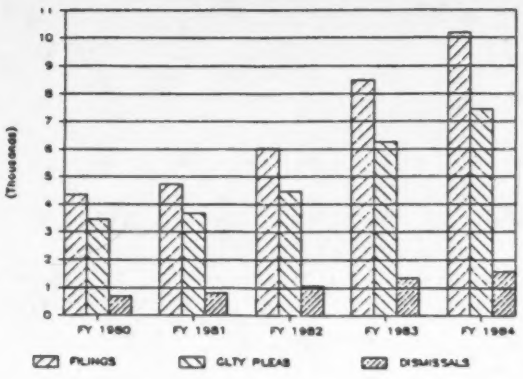
	FY 1980	FY 1981	FY 1982	FY 1983	FY 1984
FILINGS					
DUI One	3731	4094	5265	7465	8943
DUI Two	468	492	556	827	1027
DUI Three	158	134	210	190	226
TOTAL	4357	4720	6031	8482	10196
GUILTY PLEAS					
DUI One	2988	3209	3932	5568	6553
DUI Two	384	398	435	598	777
DUI Three	90	76	112	85	109
TOTAL	3462	3683	4479	6251	7439
DISMISSALS					
DUI One	604	718	910	1095	1316
DUI Two	60	71	103	186	200
DUI Three	42	28	54	60	64
TOTAL	706	817	1067	1341	1580
SUSPENDED IMPOSITION					
DUI One	17	46	244	566	700
DUI Two	2	3	2	11	3
DUI Three	14	21	32	29	31
TOTAL	33	70	278	606	734
CONVICTIONS AT TRIAL					
DUI One	58	62	125	147	164
DUI Two	14	6	13	19	23
DUI Three	2	2	10	2	9
TOTAL	74	70	148	168	196
ACQUITTALS AT TRIAL					
DUI One	23	17	16	39	66
DUI Two	4	5	0	6	5
DUI Three	3	0	1	1	1
TOTAL	30	22	17	46	72

DUI Caseload

The majority of class-one misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, are shown on Table 18 for fiscal years 1980 through 1984. As with all class-one misdemeanors, there is an increase in DUI actions in almost every category during the past fiscal year.

About one-third of the FY 1984 dismissals (515) recorded for DUI are reduced by the prosecutor to the charge of reckless driving, which is also a class-one misdemeanor. This may happen if the prosecutor is convinced that the evidence is not adequate for a DUI conviction, and he is willing to negotiate a guilty plea for a charge of reckless driving. There is no license suspension for reckless driving, nor is there a more severe penalty imposed by statute for similar future offenses, as there is for DUI violations.

Chart 17. DUI Violations Summary, Filings, Guilty Pleas, and Dismissals



Total filings and guilty pleas in Fiscal Year 1984, shown in Chart 17, continue the dramatic increase begun in 1982. In almost every category, the total number of cases from 1981 to 1984 has doubled. The increase must be attributed to the continuing emphasis on drunk-driving arrests being made by law enforcement officers throughout the state.

Chart 18 shows a comparison of the remaining dispositions from Table 18, which are suspended impositions of sentence and trial results, for DUI offenses. This illustrates that suspended impositions of sentence, discussed in some detail on page 49, for DUI convictions, continue to demonstrate a significant rise. Also, acquittals at trial show a remarkable increase over the past two years.

Chart 18. DUI Violations Summary, Suspended Impositions of Sentence and Trials

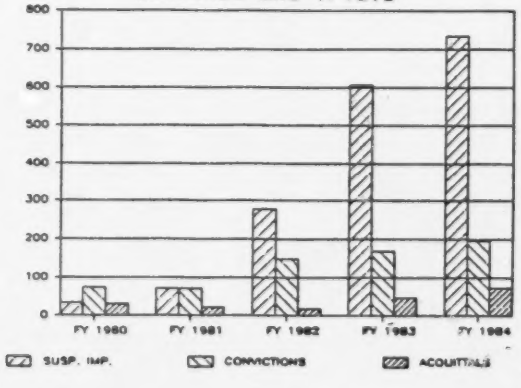


Table 19. DUI Filings and Dispositions by County

	TOTAL FILINGS	GUILTY PLEAS	DISMISSALS	TRIALS ACQUITTALS	TRIALS CONVICTIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIRST CIRCUIT:						
BON HOMME	29	26	1	1	1	0
CHARLES MIX	187	150	28	0	1	1
CLAY	238	207	9	1	7	12
DOUGLAS	21	19	2	0	0	0
HUTCHINSON	44	37	2	0	2	0
LINCOLN	88	57	11	1	2	23
TURNER	23	12	3	0	1	5
UNION	199	136	51	1	1	10
YANKTON	383	231	103	3	8	2
TOTAL	1204	874	210	7	23	53
SECOND CIRCUIT:						
MINNEHAHA	189	113	24	1	11	9
SIOUX FALLS	2185	1362	302	16	37	402
TOTAL	2334	1475	326	17	48	411
THIRD CIRCUIT:						
BEADLE	228	204	17	0	6	1
BROOKINGS	303	263	15	0	5	0
CLARK	39	33	5	0	0	0
CODINGTON	326	253	53	6	14	0
DEUEL	31	28	0	1	2	0
GRANT	66	53	13	0	0	0
HAMLIN	29	24	5	0	0	0
HAND	38	28	9	0	0	0
KINGSBURY	41	37	1	0	3	0
TOTAL	1103	943	118	7	30	1
FOURTH CIRCUIT:						
AURORA	10	7	0	0	3	0
BRULE	78	62	8	5	0	0
BUFFALO	3	3	0	0	0	0
DAVISON	212	192	12	0	4	1
HANSON	15	12	1	1	1	0
JERAULD	33	24	8	0	1	0
LAKE	60	54	2	0	1	2
MC COOK	46	31	7	1	2	4
MINER	23	20	3	0	0	0
MOODY	79	65	13	0	1	0
SANBORN	11	7	2	1	0	1
TOTAL	568	477	56	8	13	8
FIFTH CIRCUIT:						
BROWN	387	290	81	2	3	8
CAMPBELL	26	15	11	0	0	0
DAY	102	96	4	0	1	0
EDMUNDS	60	51	5	1	1	2
FAULK	29	23	6	0	0	0
MARSHALL	60	66	8	0	0	2
MC PHERSON	8	8	0	0	0	0
ROBERTS	209	201	5	0	2	0
SPINK	80	68	5	3	2	1
WALWORTH	198	170	24	0	0	2
TOTAL	1177	990	148	6	9	15
SIXTH CIRCUIT:						
BENNETT	83	37	10	0	2	0
GREGORY	37	32	4	0	1	0
HAAKON	25	20	2	0	1	1
HUGHES	385	284	83	4	9	3
HYDE	8	6	1	1	0	0
JACKSON	43	33	5	2	3	0
JONES	27	25	1	0	0	1
LYMAN	64	57	6	0	0	1
MELLETTE	10	6	2	0	0	0
POTTER	60	47	11	0	1	1
STANLEY	88	33	54	0	0	1
SULLY	28	27	0	1	0	0
TODD	7	7	0	0	0	0
TRIPP	128	83	35	4	3	0
TOTAL	982	698	214	12	20	8
SEVENTH CIRCUIT:						
CUSTER	143	118	17	0	5	1
FALL RIVER	135	88	19	3	3	5
PENNINGTON	19	10	6	0	3	0
RAPID CITY	1215	868	271	7	19	50
TOTAL	1512	1083	313	10	30	56
EIGHTH CIRCUIT:						
BUTTE	125	85	11	0	9	19
CORSON	14	13	0	0	0	1
DEWEY	28	23	3	0	0	1
HARDING	19	8	3	0	0	8
LAWRENCE	781	482	128	2	8	138
MEADE	337	249	58	3	8	18
PERKINS	41	39	0	0	0	0
ZIEBACH	1	1	0	0	0	0
TOTAL	1328	900	200	5	23	183
STATE TOTALS:	102108	7441	1586	72	196	735

Table 19 contains DUI filings and dispositions for Fiscal Year 1984, by county and circuit. The number of filings is particularly high in Lawrence County as compared to counties of similar population, such as Davison or Codington Counties. Hughes County also has a noticeably high number of filings, and Yankton County has an especially high ratio of dismissals.

Suspended Impositions

After conviction, either by guilty plea or at trial, the judge may decide to suspend the imposition of sentence according to SDCL 23A-27-13 and -14. These laws permit the judge, if he decides that it is in the interest of justice and the good of the community, to require the defendant to fulfill certain conditions, including the possibility of both a fine and jailtime, after which the defendant is discharged and the court orders that his record be sealed.

According to SDCL 23A-27-17, "the effect of such order is to restore such person, in the contemplation of the law, to the status he occupied before his arrest . . . ." For all practical purposes, the sealing of the defendant's record means it is as though the crime was never committed, with one exception. According to SDCL 23A-27-16, a record is kept by the division of criminal investigation "solely for use by law enforcement agencies, prosecuting attorneys, and courts in sentencing such person for subsequent offenses."

The suspended imposition of sentence is provided to help those citizens who have been convicted of a crime, but are sufficiently law-abiding and responsible, in the judgment of the court, that they should be reinstated fully after a reasonable punishment. According to SDCL 23A-27-14, the procedure involved in the suspended imposition of sentence "may occur only once with respect to any person."

The indicators on chart 19 show that there has been a spectacular rise in the number of suspended impositions of sentence rendered for class-one misdemeanors in fiscal 1983, and that rise has continued into 1984. Of the total of these class-one suspensions, 83% are for DUI offenses. Most of these, as shown on Table 19, page 48, are rendered in Minnehaha and Lawrence Counties.

Chart 19. Suspended Imposition of Sentence

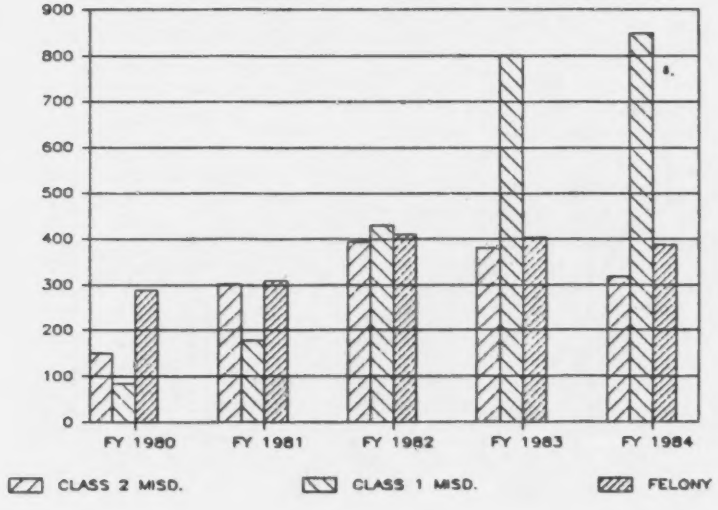


Chart 20. Class-Two Misdemeanor Caseload, Filings and Guilty Pleas

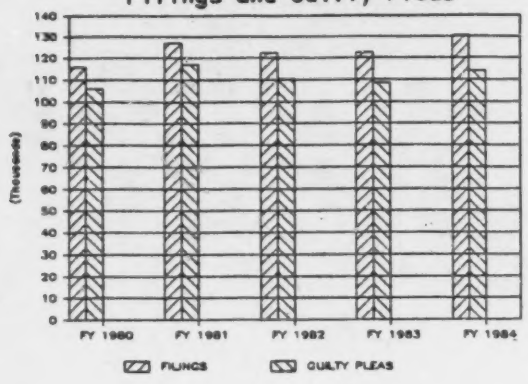
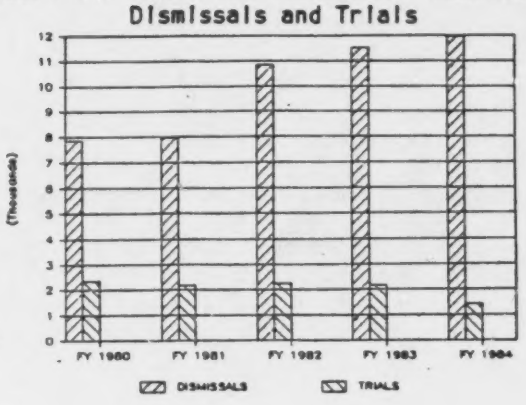


Chart 21. Class-Two Misdemeanor Caseload, Dismissals and Trials



Class-Two Misdemeanors

Chart 20 shows that the number of class-two misdemeanor filings in 1984 rose to the highest point in five years, while Chart 21 shows that dismissals also continued to increase, and trials declined.

The increase in dismissals probably reflects the purging from active records, as authorized by Supreme Court Rule, of those traffic cases in which the defendant failed to appear or pay the fine for a period of six months. In these cases, the defendant's driver's license is suspended by the Department of Public Safety, and the case is technically dismissed. In order to have his license reinstated, the defendant must first have the court issue the order to reinstate the license. Then, he must pay a substantial cash penalty. The defendant also faces the possibility of an additional charge of failure to appear for trial on the original violation.

The handling of parking violations varies among the counties. Some consider it more efficient for a large list of parking offenses to be processed as one charge, others do not process a parking violation unless there has been two efforts to contact the defendant. Because of these variations, total filings and guilty plea dispositions may be slightly inflated in some counties because they include a higher count of parking violations. In Lake County, for example, it appears that about half of their offenses for the fiscal year are parking violations.

The decrease in the number of trials may be partly the result of a recent Supreme Court decision that limits the right to a jury trial. Unless there is a real possibility, in the event of conviction, that the judge's sentence will result in jail time, the defendant accused of a class-two misdemeanor offense has no automatic right to a jury trial.